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1531

THE

HISTORY

OF

ENGLAND,

FROM THE

INVASION OF JULIUS CÆSAR

TO

The REVOLUTION in 1688.

In EIGHT VOLUMES, illustrated with Plates.

By DAVID HUME, Esq.

A NEW EDITION, with the AUTHOR's last CORRECTIONS and IMPROVEMENTS.

To which is prefixed,
A short ACCOUNT of his LIFE, written by Himself.

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THE

HISTORY

OF

ENGLAND.

CHAP. X.

RICHARD I.

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THE compunction of Richard for his undutiful behaviour towards his father was durable, and influenced him in the choice of his ministers and servants after his accession. Those who had seconded and favoured his rebellion, instead of meeting with that trust and honour which they expected, were surprised to find that they lay under disgrace with the new king, and were on all occasions hated and de- CHAP. X. 1189.

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ſpiſed by him. The faithful miniſters of Henry, who had vigorouſly oppoſed all the enterpriſes of his ſons, were received with open arms, and were continued in thoſe offices which they had honourably diſcharged to their former maſter [a]. This prudent conduct might be the reſult of reflection; but in a prince, like Richard, ſo much guided by paſſion, and ſo little by policy, it was commonly aſcribed to a principle ſtill more virtuous and more honourable.

RICHARD, that he might make atonement to one parent for his breach of duty to the other, immediately ſent orders for releaſing the queen-dowager from the confinement in which ſhe had long been detained; and he entruſted her with the government of England till his arrival in that kingdom. His bounty to his brother John was rather profuſe and imprudent. Beſides beſtowing on him the county of Mortaigne in Normandy, granting him a penſion of four thouſand marks a year, and marrying him to Aviſa the daughter of the earl of Gloceſter, by whom he inherited all the poſſeſſions of that opulent family, he increaſed this appanage, which the late king had deſtined him, by other extenſive grants and conceſſions. He conferred on him the whole eſtate of William Peverell, which had eſcheated to the crown: He put him in poſſeſſion of eight caſtles, with all the foreſts and honours annexed to them: He delivered over to him no leſs than ſix earldoms, Cornwal, Devon, Somerſet, Nottingham, Dorſet, Lancaſter, and Derby: And endeavouring, by favours, to fix that vicious prince in his duty, he put it too much in his power, whenever he pleaſed, to depart from it.

The king's preparation for the cruſade.

THE king, impelled more by the love of military glory than by ſuperſtition, acted, from the beginning of his reign, as if the ſole purpoſe of his government had been the relief of the Holy Land,

[a] Hoveden, p. 655. Bened. Abb. p. 547. M. Paris, p. 107.

1189.

and the recovery of Jerusalem from the Saracens. This zeal against infidels, being communicated to his subjects, broke out in London on the day of his coronation, and made them find a crusade less dangerous, and attained with more immediate profit. The prejudices of the age had made the lending of money on interest pass by the invidious name of usury: Yet the necessity of the practice had still continued it, and the greater part of that kind of dealing fell every where into the hands of the Jews; who, being already infamous on account of their religion, had no honour to lose, and were apt to exercise a profession, odious in itself, by every kind of rigour, and even sometimes by rapine and extortion. The industry and frugality of this people had put them in possession of all the ready money, which the idleness and profusion common to the English with other European nations, enabled them to lend at exorbitant and unequal interest. The monkish writers represent it as a great stain on the wise and equitable government of Henry, that he had carefully protected this infidel race from all injuries and insults; but the zeal of Richard afforded the populace a pretence for venting their animosity against them. The king had issued an edict prohibiting their appearance at his coronation; but some of them bringing him large presents from their nation, presumed, in confidence of that merit, to approach the hall in which he dined: Being discovered, they were exposed to the insults of the bystanders; they took to flight; the people pursued them; the rumour was spread, that the king had issued orders to massacre all the Jews; a command so agreeable was executed in an instant on such as fell into the hands of the populace; those who had kept at home were exposed to equal danger; the people, moved by rapacity and zeal, broke into their houses, which they plundered, after having murdered the owners; where the Jews barricadoed

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their doors and defended themſelves with vigour, the rabble ſet fire to the houſes, and made way through the flames to exerciſe their pillage and violence; the uſual licentiouſneſs of London, which the ſovereign power with difficulty reſtrained, broke out with fury, and continued theſe outrages; the houſes of the richeſt citizens, though Chriſtians, were next attacked and plundered; and wearineſs and ſatiety at laſt put an end to the diſorder: Yet, when the king impowered Glanville, the juſticiary, to inquire into the authors of theſe crimes, the guilt was found to involve ſo many of the moſt conſiderable citizens, that it was deemed more prudent to drop the proſecution; and very few ſuffered the puniſhment due to this enormity. But the diſorder ſtopped not at London. The inhabitants of the other cities of England, hearing of this ſlaughter of the Jews, imitated the example: In York, five hundred of that nation, who had retired into the caſtle for ſafety, and found themſelves unable to defend the place, murdered their own wives and children, threw the dead bodies over the walls upon the populace, and then ſetting fire to the houſes, periſhed in the flames. The gentry of the neighbourhood, who were all indebted to the Jews, ran to the cathedral, where their bonds were kept, and made a ſolemn bonfire of the papers before the altar. The compiler of the Annals of Waverley, in relating theſe events, bleſſes the Almighty for thus delivering over this impious race to deſtruction [b].

The ancient ſituation of England, when the people poſſeſſed little riches and the public no credit, made it impoſſible for ſovereigns to bear the expence of a ſteady or durable war even on their frontiers; much leſs could they find regular means for the ſupport of diſtant expeditions like thoſe into

[b] Gale's Collect. vol. iii. p. 165.

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Paleſtine, which were more the reſult of popular frenzy than of ſober reaſon or deliberate policy. Richard, therefore, knew that he muſt carry with him all the treaſure neceſſary for his enterpriſe, and that both the remoteneſs of his own country and its poverty made it unable to furniſh him with thoſe continued ſupplies which the exigencies of ſo perilous a war muſt neceſſarily require. His father had left him a treaſure of above a hundred thouſand marks; and the king, negligent of every conſideration but his preſent object, endeavoured to augment this ſum by all expedients, how pernicious ſoever to the public, or dangerous to royal authority. He put to ſale the revenues and manors of the crown; the offices of greateſt truſt and power, even thoſe of foreſter and ſheriff, which anciently were ſo important [c], became venal; the dignity of chief juſticiary, in whoſe hands was lodged the whole execution of the laws, was ſold to Hugh de Puzas, biſhop of Durham, for a thouſand marks; the ſame prelate bought the earldom of Northumberland for life [d]; many of the champions of the croſs, who had repented of their vow, purchaſed the liberty of violating it; and Richard, who ſtood leſs in need of men than of money, diſpenſed, on theſe conditions, with their attendance. Elated with the hopes of fame, which in that age attended no wars but thoſe againſt the infidels, he was blind to every other conſideration; and when ſome of his wiſer miniſters objected to this diſſipation of the revenue and power of the crown, he replied, that he would ſell London itſelf, could he find a purchaſer [e]. Nothing indeed could be a ſtronger proof how negligent he was of all future intereſts in compariſon of the cruſade, than his ſelling, for ſo ſmall a ſum as

c The ſheriff had anciently both the adminiſtration of juſtice and the management of the king's revenue committed to him in the county. See *Hale of Sheriff's Account*.

d M. Paris, p. 109. e W. Heming, p. 519. Knyghton, p. 2402.

CHAP. X. 1189. 10,000 marks, the vassalage of Scotland, together with the fortresses of Roxborough and Berwick, the greatest acquisition that had been made by his father during the course of his victorious reign; and his accepting the homage of William in the usual terms, merely for the territories which that prince held in England [f]. The English, of all ranks and stations, were oppressed by numerous exactions: Menaces were employed, both against the innocent and the guilty, in order to extort money from them: And where a pretence was wanting against the rich, the king obliged them, by the fear of his displeasure, to lend him sums which, he knew, it would never be in his power to repay.

But Richard, though he sacrificed every interest and consideration to the success of this pious enterprise, carried so little the appearance of sanctity in his conduct, that Fulk, curate of Neuilly, a zealous preacher of the crusade, who from that merit had acquired the privilege of speaking the boldest truths, advised him to rid himself of his notorious vices, particularly his pride, avarice, and voluptuousness, which he called the king's three favourite daughters. *You counsel well*, replied Richard, *and I hereby dispose of the first to the Templars, of the second to the Benedictines, and of the third to my prelates.*

Richard, jealous of attempts which might be made on England during his absence, laid prince John, as well as his natural brother Geoffrey archbishop of York, under engagements, confirmed by their oaths, that neither of them should enter the kingdom till his return; though he thought proper, before his departure, to withdraw this prohibition. The administration was left in the hands of Hugh bishop of Durham, and of Longchamp bishop of Ely, whom he appointed justiciaries and guardians of the realm. The latter was a Frenchman of mean

[f] Hoveden, p. 662. Rymer, vol. i. p. 64. M. West. p. 257.

birth,

CHAP. X. 1189.

birth, and of a violent character; who by art and address had insinuated himself into favour, whom Richard had created chancellor, and whom he had engaged the pope also to invest with the legantine authority, that, by centering every kind of power in his person, he might the better ensure the public tranquillity. All the military and turbulent spirits flocked about the person of the king, and were impatient to distinguish themselves against the infidels in Asia; whither his inclinations, his engagements, led him, and whither he was impelled by messages from the king of France, ready to embark in this enterprise.

The emperor Frederic, a prince of great spirit and conduct, had already taken the road to Palestine at the head of 150,000 men, collected from Germany and all the northern states. Having surmounted every obstacle thrown in his way by the artifices of the Greeks and the power of the infidels, he had penetrated to the borders of Syria; when, bathing in the cold river Cydnus during the greatest heat of the summer season, he was seized with a mortal distemper, which put an end to his life and his rash enterprise[g]. His army, under the command of his son Conrade, reached Palestine; but was so diminished by fatigue, famine, maladies, and the sword, that it scarcely amounted to eight thousand men; and was unable to make any progress against the great power, valour, and conduct of Saladin. These reiterated calamities attending the crusades had taught the kings of France and England the necessity of trying another road to the Holy Land; and they determined to conduct their armies thither by sea, to carry provisions along with them, and by means of their naval power, to maintain an open communication with their own states, and with the western parts of Europe. The place of rendez-

[g] Bened. Abb. p. 556.

CHAP. X. vous was appointed in the plains of Vezelay on the borders of Burgundy[h]: Philip and Richard, on their arrival there, found their combined army amount

1190. 29th June. to 100,000 men[i]; a mighty force, animated with glory and religion, conducted by two warlike monarchs, provided with every thing which their several dominions could ſupply, and not to be overcome but by their own miſconduct, or by the unſurmountable obſtacles of nature.

King ſets out on the cruſade. THE French prince and the Engliſh here reiterated their promiſes of cordial friendſhip, pledged their faith not to invade each other's dominions during the cruſade, mutually exchanged the oaths of all their barons and prelates to the ſame effect, and ſubjected themſelves to the penalty of interdicts and excommunications, if they ſhould ever violate this public and ſolemn engagement. They then ſeparated; Philip took the road to Genoa, Richard that to Marſeilles, with a view of meeting their fleets, which were ſeverally appointed to rendezvous

24th Sept. in theſe harbours. They put to ſea; and, nearly about the ſame time, were obliged, by ſtreſs of weather, to take ſhelter in Meſſina, where they were detained during the whole winter. This incident laid the foundation of animoſities which proved fatal to their enterpriſe.

RICHARD and Philip were, by the ſituation and extent of their dominions, rivals in power; by their age and inclinations, competitors for glory; and theſe cauſes of emulation which, had the princes been employed in the field againſt the common enemy, might have ſtimulated them to martial enterpriſes, ſoon excited, during the preſent leiſure and repoſe, quarrels between monarchs of ſuch fiery character. Equally haughty, ambitious, intrepid, and inflexible, they were irritated with the leaſt appearance of injury, and were incapable, by

h Hoveden, p. 660. i Viniſauf, p. 305.

1190.

mutual condeſcenſions, to efface thoſe cauſes of complaint which unavoidably aroſe between them. Richard, candid, ſincere, undeſigning, impolitic, violent, laid himſelf open, on every occaſion, to the deſigns of his antagoniſt; who, provident, intereſted, intriguing, failed not to take all advantages againſt him: And thus, both the circumſtances of their diſpoſition in which they were ſimilar, and thoſe in which they differed, rendered it impoſſible for them to perſevere in that harmony which was ſo neceſſary to the ſucceſs of their undertaking.

Tranſactions in Sicily.

THE laſt king of Sicily and Naples was William II. who had married Joan, ſiſter to Richard, and who, dying without iſſue, had bequeathed his dominions to his paternal aunt Conſtantia, the only legitimate deſcendant ſurviving of Roger, the firſt ſovereign of thoſe ſtates who had been honoured with the royal title. This princeſs had, in expectation of that rich inheritance, been married to Henry VI. the reigning emperor [k]; but Tancred, her natural brother, had fixed ſuch an intereſt among the barons, that, taking advantage of Henry's abſence, he had acquired poſſeſſion of the throne, and maintained his claim, by force of arms, againſt all the efforts of the Germans [l]. The approach of the cruſaders naturally gave him apprehenſions for his unſtable government; and he was uncertain, whether he had moſt reaſon to dread the preſence of the French or of the Engliſh monarch. Philip was engaged in a ſtrict alliance with the emperor his competitor; Richard was diſguſted by his rigours towards the queen-dowager, whom the Sicilian prince had confined in Palermo; becauſe ſhe had oppoſed with all her intereſt his ſucceſſion to the crown. Tancred, therefore, ſenſible of the preſent neceſſity, reſolved to pay court to both theſe for-

[k] Bened. Abb. p. 580. [l] Hoveden, p. 663.

midable

CHAP. X. 1190. midable princes; and he was not unsuccessful in his endeavours. He persuaded Philip that it was highly improper for him to interrupt his enterprise against the infidels, by any attempt against a Christian state: He restored queen Joan to her liberty; and even found means to make an alliance with Richard, who stipulated by treaty to marry his nephew, Arthur, the young duke of Britanny, to one of the daughters of Tancred[m]. But before these terms of friendship were settled, Richard, jealous both of Tancred and of the inhabitants of Messina, had taken up his quarters in the suburbs, and had possessed himself of a small fort, which commanded the harbour; and he kept himself extremely on his guard against their enterprises. The citizens took umbrage. Mutual insults and attacks passed between them and the English: Philip, who had quartered his troops in the town, endeavoured to accommodate the quarrel, and held a conference with Richard for that purpose. While the two kings, meeting in the open fields, were engaged in discourse on this subject, a body of those Sicilians seemed to be drawing towards them; and Richard pushed forwards, in order to inquire into the reason of this extraordinary movement[n]. The English, insolent from their power, and inflamed with former animosities, wanted but a pretence for attacking the Messinese: They soon chased them off the field, drove them into the town, and entered with them at that gates. The king employed his authority to restrain them from pillaging and massacring the defenceless inhabitants; but he gave orders, in token of his victory, that the standard of England should be erected on the walls. Philip, who considered that place as his quarters, exclaimed against the insult, and ordered some of his troops to pull down the standard: But Richard informed him by

3d October.

m Hoveden, p. 676, 677. Bened. Abb. p. 615.
n Bened. Abb. p. 608.

a mes-

CHAP. I. 1190.

a messenger, that, though he himself would willingly remove that ground of offence, he would not permit it to be done by others; and if the French king attempted such an insult upon him, he should not succeed but by the utmost effusion of blood. Philip, content with this species of haughty submission, recalled his orders[o]: The difference was seemingly accommodated; but still left the remains of rancour and jealousy in the breasts of the two monarchs.

TANCRED, who, for his own security, desired to inflame their mutual hatred, employed an artifice which might have been attended with consequences still more fatal. He showed Richard a letter, signed by the French king, and delivered to him, as he pretended, by the duke of Burgundy; in which that monarch desired Tancred to fall upon the quarters of the English, and promised to assist him in putting them to the sword, as common enemies. The unwary Richard gave credit to the information; but was too candid not to betray his discontent to Philip, who absolutely denied the letter, and charged the Sicilian prince with forgery and falsehood. Richard either was, or pretended to be, entirely satisfied[p]. 1191.

LEST these jealousies and complaints should multiply between them, it was proposed, that they should, by a solemn treaty, obviate all future differences, and adjust every point that could possibly hereafter become a controversy between them. But this expedient started a new dispute, which might have proved more dangerous than any of the foregoing, and which deeply concerned the honour of Philip's family. When Richard, in every treaty with the late king, insisted so strenuously on being allowed to marry Alice of France, he had only sought a pretence for quarrelling; and never meant to take to his bed a princess suspected of a criminal

[o] Hoveden, p. 674. [p] Ibid. p. 688. Bened. Abb. p. 642, 643. Brompton, p. 1195.

amour

CHAP. X. 1191. amour with his own father. After he became master, he no longer spake of that alliance: He even took measures for espousing Berengaria, daughter of Sanchez king of Navarre, with whom he had become enamoured during his abode in Guienne [q]; Queen Eleanor was daily expected with that princess at Messina [r]: And when Philip renewed to him his applications for espousing his sister Alice, Richard was obliged to give him an absolute refusal. It is pretended by Hoveden, and other historians [s], that he was able to produce such convincing proofs of Alice's infidelity, and even of her having born a child to Henry, that her brother desisted from his applications, and chose to wrap up the dishonour of his family in silence and oblivion. It is certain, from the treaty itself, which remains [t], that, whatever were his motives, he permitted Richard to give his hand to Berengaria; and having settled all other controversies with that prince, he immediately set sail for the Holy Land. Richard awaited some time the arrival of his mother and bride; and when they joined him, he separated his fleet into two squadrons, and set forward on his enterprise. Queen Eleanor returned to England; but Berengaria, and the queen dowager of Sicily, his sister, attended him on the expedition [u].

THE English fleet, on leaving the port of Messina, met with a furious tempest; and the squadron on which the two princesses were embarked, was driven 12th April. on the coast of Cyprus, and some of the vessels were wrecked near Limisso in that island. Isaac, prince of Cyprus, who assumed the magnificent title of Emperor, pillaged the ships that were stranded, threw the seamen and passengers into prison, and even refused to the princesses liberty, in their dangerous situation, of entering the habour of

q Vinisauf, p. 316. r M. Paris, p. 112. Trivet, p. 102. W. Heming, p. 519. s Hoveden, p. 688. t Rymer, vol. i. p. 69. Chron. de. Dunst. p. 44. u Bened. Abb. p. 644.

Limisso.

Limisso. But Richard, who arrived soon after, took ample vengeance on him for the injury. He disembarked his troops; defeated the tyrant, who opposed his landing; entered Limisso by storm; gained next day a second victory; obliged Isaac to surrender at discretion; and established governors over the island. The Greek prince, being thrown into prison and loaded with irons, complained of the little regard with which he was treated: Upon which, Richard ordered silver fetters to be made for him; and this emperor, pleased with the distinction, expressed a sense of the generosity of his conqueror [w]. The king here espoused Berengaria, who, immediately embarking, carried along with her to Palestine the daughter of the Cypriot prince; a dangerous rival, who was believed to have seduced the affections of her husband. Such were the libertine character and conduct of the heroes engaged in this pious enterprise!

CHAP. X. 1191.

12th May.

The king's arrival in Palestine.

THE English army arrived in time to partake in the glory of the siege of Acre or Ptolemais, which had been attacked for above two years by the united force of all the Christians in Palestine, and had been defended by the utmost efforts of Saladin, and the Saracens. The remains of the German army, conducted by the emperor Frederic, and the separate bodies of adventurers who continually poured in from the West, had enabled the king of Jerusalem to form this important enterprise [x]: But Saladin, having thrown a strong garrison into the place under the command of Caracos, his own master in the art of war, and molesting the besiegers with continual attacks and sallies, had protracted the success of the enterprise, and wasted the force of his enemies. The arrival of Philip and Richard inspired new life into the Christians; and these princes, acting by concert, and sharing the honour and dan-

w Bened. Abb. p. 650. Ann. Waverl. p. 164. Vinisauf, p. 328. W. Heming. p. 523. x Vinisauf, p. 269. 271. 279.

CHAP. X. 1191.

ger of every action, gave hopes of a final victory over the infidels. They agreed on this plan of operations: When the French monarch attacked the town, the English guarded the trenches: Next day, when the English prince conducted the assault, the French succeeded him in providing for the safety of the assailants. The emulation between those rival kings and rival nations produced extraordinary acts of valour: Richard in particular, animated with a more precipitate courage than Philip, and more agreeable to the romantic spirit of that age, drew to himself the general attention, and acquired a great and splendid reputation. But this harmony was of short duration; and occasions of discord soon arose between these jealous and haughty princes.

State of Palestine.

The family of Bouillon, which had first been placed on the throne of Jerusalem, ending in a female, Fulk, count of Anjou, grandfather to Henry II. of England, married the heiress of that kingdom, and transmitted his title to the younger branches of his family. The Anjevin race ending also in a female, Guy de Lusignan, by espousing Sibylla, the heiress, had succeeded to the title; and though he lost his kingdom by the invasion of Saladin, he was still acknowledged by all the Christians for king of Jerusalem [y]. But as Sibylla died without issue, during the siege of Acre, Isabella, her younger sister, put in her claim to that titular kingdom, and required Lusignan to resign his pretensions to her husband Conrade marquis of Montferrat. Lusignan, maintaining that the royal title was unalienable and indefeazable, had recourse to the protection of Richard, attended on him before he left Cyprus, and engaged him to embrace his cause [z]. There needed no other reason for throwing Philip into the party of Conrade; and the opposite views

[y] Vinisauf, p. 281. [z] Trivet, p. 134. Vinisauf, p. 342. W. Heming. p. 524.

of

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of these great monarchs brought faction and dissension into the Christian army, and retarded all its operations. The Templars, the Genoese, and the Germans, declared for Philip and Conrade; the Flemings, the Pisans, the knights of the hospital of St. John, adhered to Richard and Lusignan. But notwithstanding these disputes, as the length of the siege had reduced the Saracen garrison to the last extremity, they surrendered themselves prisoners; stipulated, in return for their lives, other advantages to the Christians, such as the restoring of the Christian prisoners, and the delivery of the wood of the true cross[a]; and this great enterprise, which had long engaged the attention of all Europe and Asia, was at last, after the loss of 300,000 men, brought to happy period. 12th July.

But Philip, instead of pursuing the hopes of farther conquest, and of redeeming the holy city from slavery, being disgusted with the ascendant assumed and acquired by Richard, and having views of many advantages which he might reap by his presence in Europe, declared his resolution of returning to France; and he pleaded his bad state of health as an excuse for his desertion of the common cause. He left, however, to Richard, ten thousand of his troops, under the command of the duke of Burgundy; and he renewed his oath never to commence hostilities against that prince's dominions during his absence. But he had no sooner reached Italy than he applied, it is pretended, to pope Celestine III. for a dispensation from this vow; and when denied that request, he still proceeded, though after a covert manner, in a project, which the present situation of England rendered inviting,

[a] This true cross was lost in the battle of Tiberiade, to which it had been carried by the crusaders for their protection. Rigord, an author of that age, says, that after this dismal event, all the children who were born throughout all Christendom, had only twenty or twenty-two teeth, instead of thirty or thirty-two, which was their former complement, p. 14.

and

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and which gratified, in an eminent degree, both his resentment and his ambition.

1191. Disorders in England.

IMMEDIATELY after Richard had left England, and begun his march to the Holy Land, the two prelates, whom he had appointed guardians of the realm, broke out into animosities against each other, and threw the kingdom into combustion. Longchamp, presumptuous in his nature, elated by the favour which he enjoyed with his master, and armed with the legantine commission, could not submit to an equality with the bishop of Durham: He even went so far as to arrest his colleague, and to extort from him a resignation of the earldom of Northumberland, and of his other dignities, as the price of his liberty [b]. The king, informed of these dissensions, ordered, by letters from Marseilles, that the bishop should be reinstated in his offices; but Longchamp had still the boldness to refuse compliance, on pretence that he himself was better acquainted with the king's secret intentions [c]. He proceeded to govern the kingdom by his sole authority; to treat all the nobility with arrogance; and to display his power and riches with an invidious ostentation. He never travelled without a strong guard of fifteen hundred foreign soldiers, collected from that licentious tribe with which the age was generally infested: Nobles and knights were proud of being admitted into his train: His retinue wore the aspect of royal magnificence: And when, in his progress through the kingdom, he lodged in any monastery, his attendants, it is said, were sufficient to devour in one night, the revenue of several years [d]. The king, who was detained in Europe longer than the haughty prelate expected, hearing of this ostentation, which exceeded even what the habits of that age indulged in ecclesiastics;

[b] Hoveden, p. 665. Knyghton, p. 2403. [c] W. Heming, p. 528. [d] Hoveden, p. 680. Bened. Abb. p. 626. 700. Brompton, p. 1193.

being

being alſo informed of the inſolent tyrannical conduct of his miniſter; thought proper to reſtrain his power: He ſent new orders, appointing Walter archbiſhop of Roüen, William Mareſhal earl of Strigul, Geoffrey Fitz-Peter, William Briewere, and Hugh Bardolf, counſellors to Longchamp, and commanding him to take no meaſure of importance without their concurrence and approbation. But ſuch general terror had this man impreſſed by his violent conduct, that even the archbiſhop of Roüen and the earl of Strigul durſt not produce this mandate of the king's; and Longchamp ſtill maintained an uncontrolled authority over the nation. But when he proceeded ſo far as to throw into priſon Geoffrey archbiſhop of York, who had oppoſed his meaſures, this breach of eccleſiaſtical privileges excited ſuch an univerſal ferment, that prince John, diſguſted with the ſmall ſhare he poſſeſſed in the government, and perſonally diſobliged by Longchamp, ventured to ſummon, at Reading, a general council of the nobility and prelates, and cite him to appear before them. Longchamp thought it dangerous to entruſt his perſon in their hands, and he ſhut himſelf up in the Tower of London; but being ſoon obliged to ſurrender that fortreſs, he fled beyond ſea, concealed under a female habit, and was deprived of his offices of chancellor and chief juſticiary; the laſt of which was conferred on the archbiſhop of Roüen, a prelate of prudence and moderation. The commiſſion of legate, however, which had been renewed to Longchamp by pope Celeſtine, ſtill gave him, notwithſtanding his abſence, great authority in the kingdom, enabled him to diſturb the government, and forwarded the views of Philip, who watched every opportunity of annoying Richard's dominions. That monarch firſt attempted to carry open war into Normandy; but as the French nobility refuſed to follow him in an invaſion of a ſtate which they had ſworn

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to protect, and as the pope, who was the general guardian of all princes that had taken the cross, threatened him with ecclesiastical censures, he desisted from his enterprise, and employed against England the expedient of secret policy and intrigue. He debauched prince John from his allegiance; promised him his sister Alice in marriage; offered to give him possession of all Richard's transmarine dominions; and had not the authority of queen Eleanor, and the menaces of the English council, prevailed over the inclinations of that turbulent prince, he was ready to have crossed the seas, and to have put in execution his criminal enterprises.

The king's heroic actions in Palestine.

THE jealousy of Philip was every moment excited by the glory which the great actions of Richard were gaining him in the East, and which, being compared to his own desertion of that popular cause, threw a double lustre on his rival. His envy, therefore, prompted him to obscure that fame which he had not equalled; and he embraced every pretence of throwing the most violent and most improbable calumnies on the king of England. There was a petty prince in Asia, commonly called *The old man of the mountain*, who had acquired such an ascendant over his fanatical subjects, that they paid the most implicit deference to his commands; esteemed assassination meritorious, when sanctified by his mandate; courted danger, and even certain death, in the execution of his orders; and fancied, that when they sacrificed their lives for his sake, the highest joys of paradise were the infallible reward of their devoted obedience[e]. It was the custom of this prince, when he imagined himself injured, to dispatch secretly some of his subjects against the aggressor, to charge them with the execution of his revenge, to instruct them in every art of disguising their purpose; and no precaution was sufficient to

[e] W. Heming. p. 532. Brompton, p. 1243.

guard

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guard any man, however powerful, against the attempts of those subtle and determined ruffians. The greatest monarchs stood in awe of this prince of the Assassins (for that was the name of his people; whence the word has passed into most European languages), and it was the highest indiscretion in Conrade marquis of Montferrat to offend and affront him. The inhabitants of Tyre, who were governed by that nobleman, had put to death some of this dangerous people: The prince demanded satisfaction; for, as he piqued himself on never beginning any offence [f], he had his regular and established formalities in requiring atonement: Conrade treated his messengers with disdain: The prince issued the fatal orders: Two of his subjects, who had insinuated themselves in disguise among Conrade's guards, openly, in the streets of Sidon, wounded him mortally; and when they were seized and put to the most cruel tortures, they triumphed amidst their agonies, and rejoiced that they had been destined by Heaven to suffer in so just and meritorious a cause.

Every one in Palestine knew from what hand the blow came. Richard was entirely free from suspicion. Though that monarch had formerly maintained the cause of Lusignan against Conrade, he had become sensible of the bad effects attending those dissensions, and had voluntarily conferred on the former the kingdom of Cyprus, on condition that he should resign to his rival all pretensions to the crown of Jerusalem [g]. Conrade himself, with his dying breath, had recommended his widow to the protection of Richard [h]; the prince of the Assassins avowed the action in a formal narrative which he sent to Europe [i]; yet on this foundation the king of France thought fit to build the most egre-

[f] Rymer, vol. i. p. 71. [g] Vinisauf, p. 391. [h] Brompton, p. 1243. [i] Rymer, vol. i. p. 71. Trivet, p. 124. W. Heming. p. 544. Diceto, p. 680.

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gious calumnies, and to impute to Richard the murder of the marquis of Montferrat, whose elevation he had once openly opposed. He filled all Europe with exclamations against the crime; appointed a guard for his own person, in order to defend himself against a like attempt [k]; and endeavoured, by these shallow artifices, to cover the infamy of attacking the dominions of a prince, whom he himself had deserted, and who was engaged with so much glory in a war, universally acknowledged to be the common cause of Christendom.

But Richard's heroic actions in Palestine were the best apology for his conduct. The Christian adventurers under his command determined, on opening the campaign, to attempt the siege of Ascalon, in order to prepare the way for that of Jerusalem; and they marched along the sea-coast with that intention. Saladin purposed to intercept their passage; and he placed himself on the road with an army amounting to 300,000 combatants. On this occasion was fought one of the greatest battles of that age; and the most celebrated, for the military genius of the commanders, for the number and valour of the troops, and for the great variety of events which attended it. Both the right wing of the Christians, commanded by d'Avesnes, and the left, conducted by the duke of Burgundy, were, in the beginning of the day, broken and defeated; when Richard, who led on the main body, restored the battle; attacked the enemy with intrepidity and presence of mind; performed the part both of a consummate general and gallant soldier; and not only gave his two wings leisure to recover from their confusion, but obtained a complete victory over the Saracens, of whom forty thousand are said to have perished in the field [l]. Ascalon soon after fell into the hands of the Christians: Other sieges were car-

[k] W. Heming. p. 532. Brompton, p. 1245.

[l] Hoveden, p. 698. Bened. Abb. p. 677. Diceto, p. 662. Brompton, p. 1214.

ried

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ried on with equal ſucceſs: Richard was even able to advance within ſight of Jeruſalem, the object of his enterpriſe; when he had the mortification to find, that he muſt abandon all hopes of immediate ſucceſs, and muſt put a ſtop to his career of victory. The cruſaders, animated with an enthuſiaſtic ardour for the holy wars, broke at firſt through all regards to ſafety or intereſt in the proſecution of their purpoſe; and truſting to the immediate aſſiſtance of Heaven, ſet nothing before their eyes but fame and victory in this world, and a crown of glory in the next. But long abſence from home, fatigue, diſeaſe, want, and the variety of incidents which naturally attend war, had gradually abated that fury, which nothing was able directly to withſtand; and every one, except the king of England, expreſſed a deſire of ſpeedily returning into Europe. The Germans and the Italians declared their reſolution of deſiſting from the enterpriſe: The French were ſtill more obſtinate in this purpoſe: The duke of Burgundy, in order to pay court to Philip, took all opportunities of mortifying and oppoſing Richard[m]: And there appeared an abſolute neceſſity of abandoning for the preſent all hopes of farther conqueſt, and of ſecuring the acquiſitions of the Chriſtians by an accommodation with Saladin. Richard, therefore, concluded a truce with that monarch, and ſtipulated, that Acre, Joppa, and other ſea-port towns of Paleſtine, ſhould remain in the hands of the Chriſtians, and that every one of that religion ſhould have liberty to perform his pilgrimage to Jeruſalem unmoleſted. This truce was concluded for three years, three months, three weeks, three days, and three hours; a magical number, which had probably been deviſed by the Europeans, and which was ſuggeſted by a ſuperſtition well ſuited to the object of the war.

[m] Viniſauf, p. 380.

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The liberty, in which Saladin indulged the Christians, to perform their pilgrimages to Jerusalem, was an easy sacrifice on his part; and the furious wars which he waged in defence of the barren territory of Judea, were not with him, as with the European adventurers, the result of superstition, but of policy. The advantage indeed of science, moderation, humanity, was at that time entirely on the side of the Saracens; and this gallant emperor, in particular, displayed, during the course of the war, a spirit and generosity, which even his bigotted enemies were obliged to acknowledge and admire. Richard, equally martial and brave, carried with him more of the barbarian character; and was guilty of acts of ferocity, which threw a stain on his celebrated victories. When Saladin refused to ratify the capitulation of Acre, the king of England ordered all his prisoners, to the number of five thousand, to be butchered; and the Saracens found themselves obliged to retaliate upon the Christians by a like cruelty [n]. Saladin died at Damascus soon after concluding this truce with the princes of the crusade: It is memorable, that, before he expired, he ordered his winding-sheet to be carried as a standard through every street of the city; while a crier went before, and proclaimed with a loud voice, *This is all that remains to the mighty Saladin, the conqueror of the East*. By his last will he ordered charities to be distributed to the poor, without distinction of Jew, Christian, or Mahometan.

The king's return from Palestine.

There remained, after the truce, no business of importance to detain Richard in Palestine; and the intelligence which he received, concerning the intrigues of his brother John, and those of the king of France, made him sensible, that his presence was necessary in Europe. As he dared not to pass through France, he sailed to the Adriatic; and be-

[n] Hoveden, p. 697. Bened. Abb. p. 673. M. Paris, p. 115. Vinisauf, p. 346. W. Heming. p. 531.

ing ſhipwrecked near Aquileia, he put on the diſguiſe of a pilgrim, with a purpoſe of taking his journey ſecretly through Germany. Purſued by the governor of Iſtria, he was forced out of the direct road to England, and was obliged to paſs by Vienna; where his expences and liberalities betrayed the monarch in the habit of the pilgrim; and he was arreſted by orders of Leopold duke of Auſtria. This prince had ſerved under Richard at the ſiege of Acre; but being diſguſted by ſome inſult of that haughty monarch, he was ſo ungenerous as to ſeize the preſent opportunity of gratifying at once his avarice and revenge; and he threw the king into priſon. The emperor Henry VI. who alſo conſidered Richard as an enemy, on account of the alliance contracted by him with Tancred king of Sicily, diſpatched meſſengers to the duke of Auſtria, required the royal captive to be delivered to him, and ſtipulated a large ſum of money as a reward for this ſervice. Thus the king of England, who had filled the whole world with his renown, found himſelf, during the moſt critical ſtate of his affairs, confined in a dungeon, and loaded with irons, in the heart of Germany [o], and entirely at the mercy of his enemies, the baſeſt and moſt ſordid of mankind.

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Captivity in Germany.

THE Engliſh council was aſtoniſhed on receiving this fatal intelligence; and foreſaw all the dangerous conſequences which might naturally ariſe from that event. The queen-dowager wrote reiterated letters to pope Celeſtine, exclaiming againſt the injury which her ſon had ſuſtained; repreſenting the impiety of detaining in priſon the moſt illuſtrious prince that had yet carried the banners of Chriſt into the Holy Land; claiming the protection of the apoſtolic ſee, which was due even to the meaneſt of thoſe adventurers; and upbraiding the pope, that,

[o] Chron. T. Wykes, p. 35.

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in a cauſe where juſtice, religion, and the dignity of the church, were ſo much concerned, a cauſe which it might well befit his holineſs himſelf to ſupport by taking in perſon a journey to Germany, the ſpiritual thunders ſhould ſo long be ſuſpended over thoſe ſacrilegious offenders [p]. The zeal of Celeſtine correſponded not to the impatience of the queen-mother; and the regency of England were, for a long time, left to ſtruggle alone with all their domeſtic and foreign enemies.

War with France.

THE king of France, quickly informed of Richard's confinement by a meſſage from the emperor [q], prepared himſelf to take advantage of the incident; and he employed every means of force and intrigue, of war and negotiation, againſt the dominions and the perſon of his unfortunate rival. He revived the calumny of Richard's aſſaſſinating the marquis of Montferrat; and by that abſurd pretence he induced his barons to violate their oaths, by which they had engaged that, during the cruſade, they never would, on any account, attack the dominions of the king of England. He made the emperor the largeſt offers, if he would deliver into his hands the royal priſoner, or at leaſt detain him in perpetual captivity: He even formed an alliance by marriage with the king of Denmark, deſired that the ancient Daniſh claim to the crown of England ſhould be transferred to him, and ſolicited a ſupply of ſhipping to maintain it. But the moſt ſucceſſful of Philip's negotiations was with prince John, who, forgetting every tye to his brother, his ſovereign, and his benefactor, thought of nothing but how to make his own advantage of the public calamities. That traitor, on the firſt invitation from the court of France, ſuddenly went abroad, had a conference with Philip, and made a treaty, of which the object was the perpetual ruin of his unhappy

p Rymer, vol. i. p. 72, 73, 74, 75, 76, &c.
q Ibid. p. 70.

brother.

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brother. He ſtipulated to deliver into Philip's hands a great part of Normandy[r]; he received, in return, the inveſtiture of all Richard's tranſmarine dominions; and it is reported by ſeveral hiſtorians, that he even did homage to the French king for the crown of England.

In conſequence of this treaty, Philip invaded Normandy; and by the treachery of John's emiſſaries, made himſelf maſter, without oppoſition, of many fortreſſes, Neuf chatel, Neauſle, Giſors, Pacey, Ivreé: He ſubdued the counties of Eu and Aumale; and advancing to form the ſiege of Roüen, he threatened to put all the inhabitants to the ſword, if they dared to make reſiſtance. Happily, Robert earl of Leiceſter appeared in that critical moment; a gallant nobleman, who had acquired great honour during the cruſade, and who, being more fortunate than his maſter in finding his paſſage homewards, took on him the command in Roüen, and exerted himſelf, by his exhortations and example, to infuſe courage into the diſmayed Normans. Philip was repulſed in every attack; the time of ſervice from his vaſſals expired; and he conſented to a truce with the Engliſh regency, received in return the promiſe of 20,000 marks, and had four caſtles put into his hands, as ſecurity for the payment[s].

Prince John, who, with a view of increaſing the general confuſion, went over to England, was ſtill leſs ſucceſsful in his enterpriſes. He was only able to make himſelf maſter of the caſtles of Windſor and Wallingford; but when he arrived in London, and claimed the kingdom as heir to his brother, of whoſe death he pretended to have received certain intelligence, he was rejected by all the barons, and meaſures were taken to oppoſe and ſubdue him[t]. The juſticiaries, ſupported by the general affection of the people, provided ſo well for the de-

[r] Rymer, vol. i. p. 85. [s] Hoveden, p. 730, 731. Rymer, vol. i. p. 81. [t] Hoveden, p. 724.

fence

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MEANWHILE the high ſpirit of Richard ſuffered in Germany every kind of inſult and indignity. The French ambaſſadors, in their maſter's name, renounced him as a vaſſal to the crown of France, and declared all his fiefs to be forfeited to his liege-lord. The Emperor, that he might render him more impatient for the recovery of his liberty, and make him ſubmit to the payment of a larger ranſom, treated him with the greateſt ſeverity, and reduced him to a condition worſe than that of the meaneſt malefactor. He was even produced before the diet of the empire at Worms, and accuſed by Henry of many crimes and miſdemeanors; of making an alliance with Tancred, the uſurper of Sicily; of turning the arms of the cruſade againſt a Chriſtian prince, and ſubduing Cyprus; of affronting the duke of Auſtria before Acre; of obſtructing the progreſs of the Chriſtian arms by his quarrels with the king of France; of aſſaſſinating Conrade marquis of Montferrat; and of concluding a truce with Saladin, and leaving Jeruſalem in the hands of the Saracen emperor [w]. Richard, whoſe ſpirit was not broken by his misfortunes, and whoſe genius was rather rouſed by theſe frivolous or ſcandalous imputations; after premiſing, that his dignity exempted him from anſwering before any juriſdiction, except that of Heaven; yet condeſcended, for the ſake of his reputation, to juſtify his conduct before that great aſſembly. He obſerved, that he had no hand in Tancred's elevation, and only concluded a treaty with a prince, whom he found in poſſeſſion of the throne: That the king, or rather

[u] W. Heming. p. 536. [w] M. Paris, p. 121. W. Heming. p. 536.

tyrant

tyrant of Cyprus, had provoked his indignation by the moſt ungenerous and unjuſt proceedings; and though he chaſtiſed this aggreſſor, he had not retarded a moment the progreſs of his chief enterpriſe: That if he had at any time been wanting in civility to the duke of Auſtria, he had already been ſufficiently puniſhed for that ſally of paſſion; and it better became men, embarked together in ſo holy a cauſe, to forgive each other's infirmities, than to purſue a ſlight offence with ſuch unrelenting vengeance: That it had ſufficiently appeared by the event, whether the king of France or he were moſt zealous for the conqueſt of the Holy Land, and were moſt likely to ſacrifice private paſſions and animoſities to that great object: That if the whole tenor of his life had not ſhown him incapable of a baſe aſſaſſination, and juſtified him from that imputation in the eyes of his very enemies, it was in vain for him, at preſent, to make his apology, or plead the many irrefragable arguments which he could produce in his own favour: And that, however he might regret the neceſſity, he was ſo far from being aſhamed of his truce with Saladin, that he rather gloried in that event; and thought it extremely honourable, that, though abandoned by all the world, ſupported only by his own courage, and by the ſmall remains of his national troops, he could yet obtain ſuch conditions from the moſt powerful and moſt warlike emperor that the Eaſt had ever yet produced. Richard, after thus deigning to apologiſe for his conduct, burſt out into indignation at the cruel treatment which he had met with; that he, the champion of the croſs, ſtill wearing that honourable badge, ſhould, after expending the blood and treaſure of his ſubjects in the common cauſe of Chriſtendom, be intercepted by Chriſtian princes in his return to his own country, be thrown into a dungeon, be loaded with irons, be obliged to plead his cauſe, as if he were a ſubject and a malefactor; and, what

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what he ſtill more regretted, be thereby prevented from making preparations for a new cruſade, which he had projected, after the expiration of the truce, and from redeeming the ſepulchre of Chriſt, which had ſo long been profaned by the dominion of infidels. The ſpirit and eloquence of Richard made ſuch impreſſion on the German princes, that they exclaimed loudly againſt the conduct of the emperor; the pope threatened him with excommunication; and Henry, who had hearkened to the propoſals of the king of France and prince John, found that it would be impracticable for him to execute his and their baſe purpoſes, or to detain the king of England any longer in captivity. He therefore concluded with him a treaty for his ranſom, and agreed to reſtore him to his freedom for the ſum of 150,000 marks, about 300,000 pounds of our preſent money; of which 100,000 marks were to be paid before he received his liberty, and ſixty-ſeven hoſtages delivered for the remainder [x]. The emperor, as if to gloſs over the infamy of this tranſaction, made at the ſame time a preſent to Richard of the kingdom of Arles, comprehending Provence, Dauphiny, Narbonne, and other ſtates, over which the empire had ſome antiquated claims; a preſent which the king very wiſely neglected.

The king's delivery.

THE captivity of the ſuperior lord was one of the caſes provided for by the feudal tenures; and all the vaſſals were in that event obliged to give an aid for his ranſom. Twenty ſhillings were therefore levied on each knight's fee in England; but as this money came in ſlowly, and was not ſufficient for the intended purpoſe, the voluntary zeal of the people readily ſupplied the deficiency. The churches and monaſteries melted down their plate, to the amount of 30,000 marks; the biſhops, abbots, and nobles, paid a fourth of their yearly rent; the

[x] Rymer, vol. i. p. 84.

paro-

parochial clergy contributed a tenth of their tithes: And the requisite sum being thus collected, queen Eleanor, and Walter archbishop of Roüen, set out with it for Germany; paid the money to the emperor and the duke of Austria at Mentz; delivered them hostages for the remainder; and freed Richard from captivity. His escape was very critical. Henry had been detected in the assassination of the bishop of Liege, and in an attempt of a like nature on the duke of Louvaine; and finding himself extremely obnoxious to the German princes on account of these odious practices, he had determined to seek support from an alliance with the king of France; to detain Richard, the enemy of that prince, in perpetual captivity; to keep in his hands the money which he had already received for his ransom; and to extort fresh sums from Philip and prince John, who were very liberal in their offers to him. He therefore gave orders that Richard should be pursued and arrested; but the king, making all imaginable haste, had already embarked at the mouth of the Schelde, and was out of sight of land, when the messengers of the emperor reached Antwerp.

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The joy of the English was extreme on the appearance of their monarch, who had suffered so many calamities, who had acquired so much glory, and who had spread the reputation of their name into the farthest East, whither their fame had never before been able to extend. He gave them, soon after his arrival, an opportunity of publicly displaying their exultation, by ordering himself to be crowned anew at Winchester; as if he intended, by that ceremony, to reinstate himself in his throne, and to wipe off the ignominy of his captivity. Their satisfaction was not damped, even when he declared his purpose of resuming all those exorbitant grants, which he had been necessitated to make before his departure for the Holy Land. The barons also, in a great council, confiscated, on account of his treason, all

King's return to England. 20th March.

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all prince John's poſſeſſions in England; and they aſſiſted the king in reducing the fortreſſes which ſtill remained in the hands of his brother's adherents [y]. Richard, having ſettled every thing in England, paſſed over with an army into Normandy; being impatient to make war on Philip, and to revenge himſelf for the many injuries which he had received from that monarch [z]. As ſoon as Philip heard of the king's deliverance from captivity, he wrote to his confederate John, in theſe terms: *Take care of yourſelf: The devil is broken looſe* [a].

War with France.

WHEN we conſider ſuch powerful and martial monarchs, inflamed with perſonal animoſity againſt each other, enraged by mutual injuries, excited by rivalſhip, impelled by oppoſite intereſts, and inſtigated by the pride and violence of their own temper; our curioſity is naturally raiſed, and we expect an obſtinate and furious war, diſtinguiſhed by the greateſt events, and concluded by ſome remarkable cataſtrophe. Yet are the incidents, which attend thoſe hoſtilities, ſo frivolous, that ſcarce any hiſtorian can entertain ſuch a paſſion for military deſcriptions as to venture on a detail of them: A certain proof of the extreme weakneſs of princes in thoſe ages, and of the little authority they poſſeſſed over their refractory vaſſals! The whole amount of the exploits on both ſides is, the taking of a caſtle, the ſurpriſe of a ſtraggling party, a rencounter of horſe, which reſembles more a rout than a battle. Richard obliged Philip to raiſe the ſiege of Verneüil; he took Loches, a ſmall town in Anjou; he made himſelf maſter of Beaumont, and ſome other places of little conſequence; and after theſe trivial exploits, the two kings began already to hold conferences for an accommodation. Philip inſiſted that, if a general peace were concluded, the barons on each ſide ſhould, for the future, be prohibited

[y] Hoveden, p. 737. Ann. Waverl. p. 165. W. Heming. p. 540.
[z] Hoveden, p. 740. [a] Ibid. p. 739.

from

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from carrying on private wars againſt each other: But Richard replied, that this was a right claimed by his vaſſals, and he could not debar them from it. After this fruitleſs negotiation, there enſued an action between the French and Engliſh cavalry at Fretteval, in which the former were routed, and the king of France's cartulary and records, which commonly at that time attended his perſon, were taken. But this victory leading to no important advantages, a truce for a year was at laſt, from mutual weakneſs, concluded between the two monarchs.

DURING this war, prince John deſerted from Philip, threw himſelf at his brother's feet, craved pardon for his offences, and by the interceſſion of queen Eleanor was received into favour. *I forgive him*, ſaid the king, *and hope I ſhall as eaſily forget his injuries, as he will my pardon.* John was incapable even of returning to his duty, without committing a baſeneſs. Before he left Philip's party, he invited to dinner all the officers of the garriſon, which that prince had placed in the citadel of Evreux; he maſſacred them during the entertainment; fell, with the aſſiſtance of the townſmen, on the garriſon, whom he put to the ſword; and then delivered up the place to his brother.

THE king of France was the great object of Richard's reſentment and animoſity: The conduct of John, as well as that of the emperor and duke of Auſtria, had been ſo baſe, and was expoſed to ſuch general odium and reproach, that the king deemed himſelf ſufficiently revenged for their injuries; and he ſeems never to have entertained any project of vengeance againſt any of them. The duke of Auſtria, about this time, having cruſhed his leg by the fall of his horſe at a tournament, was thrown into a fever; and being ſtruck, on the approaches of death, with remorſe for his injuſtice to Richard, he ordered, by will, all the Engliſh hoſtages in his hands to be ſet at liberty, and the remainder of the debt due to

CHAP. X. 1195. him to be remitted: His son, who seemed inclined to disobey these orders, was constrained by his ecclesiastics to execute them [b]. The emperor also made advances for Richard's friendship, and offered to gave him a discharge of all the debt not yet paid to him, provided he would enter into an offensive alliance against the king of France; a proposal which was very acceptable to Richard, and was greedily embraced by him. The treaty with the emperor took no effect; but it served to rekindle the war between France and England before the expiration of the truce. This war was not distinguished by any more remarkable incidents than the foregoing. After mutually ravaging the open country, and taking a few insignificant castles, the two kings concluded a peace at Louviers, and made an exchange of some

1196. territories with each other [c]. Their inability to wage war occasioned the peace: Their mutual antipathy engaged them again in war before two months expired. Richard imagined, that he had now found an opportunity of gaining great advantages over his rival, by forming an alliance with the counts of Flanders, Toulouse, Boulogne, Champagne, and other considerable vassals of the crown of France [d]. But he soon experienced the insincerity of those princes; and was not able to make any impression on that kingdom, while governed by a monarch of so much vigour and activity as Philip. The most remarkable incident of this war was the taking prisoner in battle the bishop of Beauvais, a martial prelate, who was of the family of Dreux, and a near relation of the French king's. Richard, who hated that bishop, threw him into prison, and loaded him with irons; and when the pope demanded his liberty, and claimed him as his son, the king sent to his holiness the coat of mail which the prelate had

[b] Rymer, vol. i. p. 88. 102. [c] Ibid. p. 91.
[d] W. Heming. p. 549. Brompton, p. 1273. Rymer, vol. i. p. 94.

worn

worn in battle, and which was all besmeared with blood: And he replied to him, in terms employed by Jacob's sons to that patriarch, *This have we found: Know now whether it be thy son's coat or no*[e]. This new war between England and France, though carried on with such animosity that both kings frequently put out the eyes of their prisoners, was soon finished by a truce of five years; and immediately after signing this treaty, the kings were ready, on some new offence, to break out again into hostilities; when the mediation of the cardinal of St. Mary, the Pope's legate, accommodated the difference[f]. This prelate even engaged the princes to commence a treaty for a more durable peace; but the death of Richard put an end to the negotiation.

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1196.

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VIDOMAR, viscount of Limoges, a vassal of the king's, had found a treasure, of which he sent part to that prince as a present. Richard, as superior lord, claimed the whole; and, at the head of some Brabançons, besieged the viscount in the castle of Chalos, near Limoges, in order to make him comply with his demand[g]. The garrison offered to surrender; but the king replied, that, since he had taken the pains to come thither and besiege the place in person, he would take it by force, and would hang every one of them. The same day Richard, accompanied by Marcadée, leader of his Barbançons, approached the castle in order to survey it; when one Bertrand de Gourdon, an archer, took aim at him, and pierced his shoulder with an arrow. The king, however, gave orders for the assault, took the place, and hanged all the garrison, except Gourdon, who had wounded him, and whom he reserved for a more deliberate and more cruel execution[h].

28th March.

[e] Genesis, chap. xxxvii. ver. 32. M. Paris, p. 128. Brompton, p. 1273. [f] Rymer, vol. i. p. 109, 110. [g] Hoveden, p. 791. Knighton, p. 2413. [h] Ibid.

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THE wound was not in itself dangerous; but the unskilfulness of the surgeon made it mortal: He so rankled Richard's shoulder in pulling out the arrow, that a gangrene ensued; and that prince was now sensible that his life was drawing towards a period. He sent for Gourdon, and asked him, *Wretch, what have I ever done to you, to oblige you to seek my life?——What have you done to me?* replied coolly the prisoner: *You killed with your own hands my father and my two brothers; and you intended to have hanged myself: I am now in your power, and you may take revenge, by inflicting on me the most severe torments: But I shall endure them all with pleasure, provided I can think that I have been so happy as to rid the world of such a nuisance*[i]. Richard, struck with the reasonableness of this reply, and humbled by the near approach of death, ordered Gourdon to be set at liberty, and a sum of money to be given him; but Marcadée, unknown to him, seized the unhappy man, flayed him alive, and then hanged him. Richard died in the tenth year of his reign, and the forty-second of his age; and he left no issue behind him.

6th April. Death

and character of the king.

THE most shining part of this prince's character are his military talents. No man, even in that romantic age, carried personal courage and intrepidity to a greater height; and this quality gained him the appellation of the lion-hearted, *cœur de lion.* He passionately loved glory, chiefly military glory; and as his conduct in the field was not inferior to his valour, he seems to have possessed every talent necessary for acquiring it. His resentments also were high; his pride unconquerable; and his subjects, as well as his neighbours, had therefore reason to apprehend, from the continuance of his reign, a perpetual scene of blood and violence. Of an impetuous and vehement spirit, he was distinguished

[i] Hoveden, p. 791. Brompton, p. 1277. Knyghton, p. 2413.

by

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by all the good, as well as the bad qualities, incident to that character: He was open, frank, generous, sincere, and brave; he was revengeful, domineering, ambitious, haughty, and cruel; and was thus better calculated to dazzle men by the splendour of his enterprises, than either to promote their happiness or his own grandeur, by a sound and well-regulated policy. As military talents make great impression on the people, he seems to have been much beloved by his English subjects; and he is remarked to have been the first prince of the Norman line that bore any sincere regard to them. He passed however only four months of his reign in that kingdom: The crusade employed him near three years; he was detained about fourteen months in captivity; the rest of his reign was spent either in war, or preparations for war, against France; and he was so pleased with the fame which he had acquired in the East, that he determined, notwithstanding his past misfortunes, to have farther exhausted his kingdom, and to have exposed himself to new hazards, by conducting another expedition against the infidels.

Miscellaneous transactions of this reign.

THOUGH the English pleased themselves with the glory which the king's martial genius procured them, his reign was very oppressive, and somewhat arbitrary, by the high taxes which he levied on them, and often without consent of the states or great-council. In the ninth year of his reign, he levied five shillings on each hyde of land; and because the clergy refused to contribute their share, he put them out of the protection of law, and ordered the civil courts to give them no sentence for any debts which they might claim [k]. Twice in his reign he ordered all his charters to be sealed anew, and the parties to pay fees for the renewal [l]. It is said that Hubert, his justiciary, sent him over to France, in

[k] Haveden, p. 743. Tyrrel, vol. ii. p. 563. [l] Prynne's Chronol. Vindic. tom. i. p. 1133.

the

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the ſpace of two years, no leſs a ſum than 1,100,000 marks, beſides bearing all the charges of the government in England. But this account is quite incredible, unleſs we ſuppoſe that Richard made a thorough dilapidation of the demeſnes of the crown, which it is not likely he could do with any advantage after his former reſumption of all grants. A king, who poſſeſſed ſuch a revenue, could never have endured fourteen months captivity, for not paying 150,000 marks to the emperor, and be obliged at laſt to have hoſtages for a third of the ſum. The prices of commodities in this reign are alſo a certain proof that no ſuch enormous ſum could be levied on the people. A hyde of land, or about a hundred and twenty acres, was commonly let at twenty ſhillings a year, money of that time. As there were 243,600 hydes in England, it is eaſy to compute the amount of all the landed rents of the kingdom. The general and ſtated price of an ox was four ſhillings; of a labouring horſe the ſame; of a ſow, one ſhilling; of a ſheep with fine wool, ten pence; with coarſe wool, ſix pence [m]. Theſe commodities ſeem not to have advanced in their prices ſince the conqueſt *, and to have ſtill been ten times cheaper than at preſent.

Richard renewed the ſevere laws againſt tranſgreſſors in his foreſts, whom he puniſhed by caſtration and putting out their eyes, as in the reign of his great-grandfather. He eſtabliſhed by law one weight and meaſure throughout his kingdom [n]: A uſeful inſtitution, which the mercenary diſpoſition and neceſſities of his ſucceſſor engaged him to diſpenſe with for money.

The diſorders in London, derived from its bad police, had riſen to a great height during this reign; and in the year 1196, there ſeemed to be formed ſo re-

[m] Hoveden, p. 745.

* See note [A] at the end of the volume.

[n] M. Paris, p. 109. 134. Trivet, p. 127. Ann. Waverl. p. 165. Hoveden, p. 774.

gular a conſpiracy among the numerous malefactors, as threatened the city with deſtruction. There was one William Fitz-Oſbert, commonly called *Long-beard*, a lawyer, who had rendered himſelf extremely popular among the lower rank of citizens; and, by defending them on all occaſions, had acquired the appellation of the advocate or ſaviour of the poor. He exerted his authority, by injuring and inſulting the more ſubſtantial citizens, with whom he lived in a ſtate of hoſtility, and who were every moment expoſed to the moſt outrageous violences from him and his licentious emiſſaries. Murders were daily committed in the ſtreets; houſes were broken open and pillaged in day-light; and it is pretended, that no leſs than fifty-two thouſand perſons had entered into an aſſociation, by which they bound themſelves to obey all the orders of this dangerous ruffian. Archbiſhop Hubert, who was then chief juſticiary, ſummoned him before the council to anſwer for his conduct; but he came ſo well attended, that no one durſt accuſe him, or give evidence againſt him; and the primate, finding the impotence of law, contented himſelf with exacting from the citizens hoſtages for their good behaviour. He kept, however, a watchful eye on Fitz-Oſbert; and ſeizing a favourable opportunity, attempted to commit him to cuſtody; but the criminal, murdering one of the public officers, eſcaped with his concubine to the church of St. Mary le Bow, where he defended himſelf by force of arms. He was at laſt forced from his retreat, condemned, and executed amidſt the regrets of the populace, who were ſo devoted to his memory, that they ſtole his gibbet, paid the ſame veneration to it as to the croſs, and were equally zealous in propagating and atteſting reports of the miracles wrought by it [o]. But though the ſectaries of this ſuperſtition were puniſhed by the juſticiary [p], it received ſo little encou-

[o] Hoveden, p. 765. Diceto, p. 691. Neubrig. p. 492, 493.
[p] Gervaſe, p. 1551.

 ragement

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ragement from the eſtabliſhed clergy, whoſe property was endangered by ſuch ſeditious practices, that it ſuddenly ſunk and vaniſhed.

It was during the cruſades, that the cuſtom of uſing coats of arms was firſt introduced into Europe. The knights, caſed up in armour, had no way to make themſelves be known and diſtinguiſhed in battle, but by the devices on their ſhields; and theſe were gradually adopted by their poſterity and families, who were proud of the pious and military enterprizes of their anceſtors.

King Richard was a paſſionate lover of poetry: There even remain ſome poetical works of his compoſition: And he bears a rank among the Provençal poets or *Trobadores*, who were the firſt of the modern Europeans that diſtinguiſhed themſelves by attempts of that nature.

CHAP. XI.

JOHN.

Acceſſion of the king——His marriage——War with France——Murder of Arthur duke of Britanny——The king expelled the French provinces——The king's quarrel with the court of Rome——Cardinal Langton appointed archbiſhop of Canterbury——Interdict of the kingdom——Excommunication of the king——The king's ſubmiſſion to the pope——Diſcontents of the barons——Inſurrection of the barons——Magna Charta——Renewal of the civil wars——Prince Lewis called over——Death——and character of the king.

THE noble and free genius of the ancients, which made the government of a ſingle perſon be always regarded as a ſpecies of tyranny and uſurpation, and kept them from forming any conception of a legal and regular monarchy, had rendered them entirely ignorant both of the rights of *primogeniture* and of *repreſentation* in ſucceſſion; inventions ſo neceſſary for preſerving order in the lines of princes, for obviating the evils of civil diſcord and of uſurpation, and for begetting moderation in that ſpecies of government, by giving ſecurity to the ruling ſovereign. Theſe innovations aroſe from the feudal law; which, firſt introducing the right of primogeniture, made ſuch a diſtinction between the families of the elder and younger brothers, that the ſon of the former was thought entitled to ſucceed to his grandfather, preferably to his uncles, though nearer al-

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Acceſſion of the king.

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lied to the deceaſed monarch. But though this progreſs of ideas was natural, it was gradual. In the age of which we treat, the practice of repreſentation was indeed introduced, but not thoroughly eſtabliſhed; and the minds of men fluctuated between oppoſite principles. Richard, when he entered on the holy war, declared his nephew, Arthur duke of Britanny, his ſucceſſor; and by a formal deed, he ſet aſide, in his favour, the title of his brother John, who was younger than Geoffrey, the father of that prince [a]. But John ſo little acquieſced in that deſtination, that, when he gained the aſcendant in the Engliſh miniſtry, by expelling Longchamp, the chancellor and great juſticiary, he engaged all the Engliſh barons to ſwear, that they would maintain his right of ſucceſſion; and Richard, on his return, took no ſteps towards reſtoring or ſecuring the order which he had at firſt eſtabliſhed. He was even careful, by his laſt will, to declare his brother John heir to all his dominions [b]; whether, that he now thought Arthur, who was only twelve years of age, incapable of aſſerting his claim againſt John's faction, or was influenced by Eleanor, the queen-mother, who hated Conſtantia, mother of the young duke, and who dreaded the credit which that princeſs would naturally acquire if her ſon ſhould mount the throne. The authority of a teſtament was great in that age, even where the ſucceſſion of a kingdom was concerned; and John had reaſon to hope that this title, joined to his plauſible right in other reſpects, would enſure him the ſucceſſion. But the idea of repreſentation ſeems to have made, at this time, greater progreſs in France than in England: The barons of the tranſmarine provinces, Anjou, Maine, and Touraine, immediately declared in favour of Arthur's title, and applied for aſſiſtance to

[a] Hoveden, p. 677. M. Paris, p. 112. Chron. de Dunſt. p. 43. Rymer, vol. i. p. 66. 68. Bened. Abb. p. 619. [b] Hoveden, p. 791. Trivet, p. 138.

the

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the French monarch as their superior lord. Philip, who desired only an occasion to embarrass John, and dismember his dominions, embraced the cause of the young duke of Britanny, took him under his protection, and sent him to Paris to be educated, along with his own son Lewis [c]. In this emergence, John hastened to establish his authority in the chief members of the monarchy; and after sending Eleanor into Poictou and Guienne, where her right was incontestible, and was readily acknowledged, he hurried to Roüen, and having secured the dutchy of Normandy, he passed over, without loss of time, to England. Hubert archbishop of Canterbury, William Mareschal, earl of Strigul, who also passes by the name of earl of Pembroke, and Geoffrey Fitz-Peter the justiciary, the three most favoured ministers of the late king, were already engaged on his side [d]; and the submission or acquiescence of all the other barons put him, without opposition, in possession of the throne.

The king soon returned to France, in order to conduct the war against Philip, and to recover the revolted provinces from his nephew Arthur. The alliances which Richard had formed with the earl of Flanders [e], and other potent French princes, though they had not been very effectual, still subsisted, and enabled John to defend himself against all the efforts of his enemy. In an action between the French and Flemings, the elect bishop of Cambray was taken prisoner by the former; and when the cardinal of Capua claimed his liberty, Philip, instead of complying, reproached him with the weak efforts which he had employed in favour of the bishop of Beauvais, who was in a like condition. The legate, to shew his impartiality, laid at the same time the kingdom of France and the dutchy of Normandy under an in-

[c] Hoveden, p. 792. M. Paris, p. 137. M. West. p. 263. Knyghton, p. 2414. [d] Hoveden, p. 793. M. Paris, p. 137. [e] Rymer, vol, i. p. 114. Hoveden, p. 794. M. Paris, p. 138.

terdict;

CHAP. XI. 1200.

terdict; and the two kings found themselves obliged to make an exchange of these military prelates.

NOTHING enabled the king to bring this war to a happy issue so much as the selfish intriguing character of Philip, who acted in the provinces that had declared for Arthur, without any regard to the interests of that prince. Constantia, seized with a violent jealousy that he intended to usurp the entire dominion of them[f], found means to carry off her son secretly from Paris: She put him into the hands of his uncle; restored the provinces which had adhered to the young prince; and made him do homage for the dutchy of Britanny, which was regarded as a rere-fief of Normandy. From this incident, Philip saw that he could not hope to make any progress against John; and being threatened with an interdict on account of his irregular divorce from Ingelburga, the Danish princess whom he had espoused, he became desirous of concluding a peace with England. After some fruitless conferences, the terms were at last adjusted; and the two monarchs seemed in this treaty to have an intention, besides ending the present quarrel, of preventing all future causes of discord, and of obviating every controversy which could hereafter arise between them. They adjusted the limits of all their territories; mutually secured the interests of their vassals; and, to render the union more durable, John gave his niece, Blanche of Castile, in marriage to prince Lewis, Philip's eldest son, and with her the baronies of Issoudun and Graçai, and other fiefs in Berri. Nine barons of the king of England, and as many of the king of France, were guarantees of this treaty; and all of them swore, that, if the sovereign violated any article of it, they would declare themselves against him, and embrace the cause of the injured monarch[g].

[f] Hoveden, p. 795.

[g] Norman Duchesnii, p. 1055. Rymer, vol. i. p. 117, 118, 119. Hoveden, p. 814. Chron. Dunst. vol. i. p. 47.

JOHN,

JOHN, now secure, as he imagined, on the side of France, indulged his passion for Isabella, the daughter and heir of Aymar Taillesser, count of Angouleme, a lady with whom he had become much enamoured. His queen, the heiress of the family of Glocester, was still alive: Isabella was married to the count de la Marche, and was already consigned to the care of that nobleman; though, by reason of her tender years, the marriage had not been consummated. The passion of John made him overlook all these obstacles: He persuaded the count of Angouleme to carry off his daughter from her husband; and having, on some pretence or other, procured a divorce from his own wife, he espoused Isabella; regardless both of the menaces of the pope, who exclaimed against these irregular proceedings, and of the resentment of the injured count, who soon found means of punishing his powerful and insolent rival. 1200. The king's marriage.

JOHN had not the art of attaching his barons either by affection or by fear. The count de la Marche, and his brother the count d'Eu, taking advantage of the general discontent against him, excited commotions in Poictou and Normandy; and obliged the king to have recourse to arms, in order to suppress the insurrection of his vassals. He summoned together the barons of England, and required them to pass the sea under his standard, and to quell the rebels: He found that he possessed as little authority in that kingdom as in his transmarine provinces. The English barons unanimously replied, that they would not attend him on this expedition, unless he would promise to restore and preserve their privileges[h]: The first symptom of a regular association and plan of liberty among those noblemen! But affairs were not yet fully ripe for the revolution projected. John, by menacing the barons, broke the 1201.

[h] Annal. Burton, p. 262.

concert;

CHAP. XI.

1201.

concert; and both engaged many of them to follow him into Normandy, and obliged the reſt, who ſtaid behind, to pay him a ſcutage of two marks on each knight's fee, as the price of their exemption from the ſervice.

THE force which John carried abroad with him, and that which joined him in Normandy, rendered him much ſuperior to his malcontent barons; and ſo much the more as Philip did not publicly give them any countenance, and ſeemed as yet determined to perſevere ſteadily in the alliance which he had contracted with England. But the king, elated with his ſuperiority, advanced claims which gave an univerſal alarm to his vaſſals, and diffuſed ſtill wider the general diſcontent. As the juriſprudence of thoſe times required, that the cauſes in the lord's court ſhould chiefly be decided by duel, he carried along with him certain bravos, whom he retained as champions, and whom he deſtined to fight with his barons, in order to determine any controverſy which he might raiſe againſt them [i]. The count de la Marche, and other noblemen, regarded this proceeding as an affront, as well as an injury; and declared, that they would never draw their ſword againſt men of ſuch inferior quality. The king menaced them with vengeance; but he had not vigour to employ againſt them the force in his hands, or to proſecute the injuſtice, by cruſhing entirely the nobles who oppoſed it.

War with France.

THIS government, equally feeble and violent, gave the injured barons courage as well as inclination to carry farther their oppoſition: They appealed to the king of France; complained of the denial of juſtice in John's court; demanded redreſs from him as their ſuperior lord; and entreated him to employ his authority, and prevent their final ruin and oppreſſion. Philip perceived his advantage,

[i] Annal. Burton, p. 262.

opened

opened his mind to great projects, interposed in behalf of the French barons, and began to talk in a high and menacing style to the king of England. John, who could not disavow Philip's authority, replied, that it belonged to himself first to grant them a trial by their peers in his own court; it was not till he failed in this duty, that he was answerable to his peers in the supreme court of the French king[k]; and he promised, by a fair and equitable judicature, to give satisfaction to his barons. When the nobles, in consequence of this engagement, demanded a safe-conduct, that they might attend his court, he at first refused it; upon the renewal of Philip's menaces, he promised to grant their demand; he violated this promise; fresh menaces extorted from him a promise to surrender to Philip the fortresses of Tillieres and Boutavant, as a security for performance; he again violated his engagement; his enemies, sensible both of his weakness and want of faith, combined still closer in the resolution of pushing him to extremities; and a new and powerful ally soon appeared to encourage them in their invasion of this odious and despicable government.

CHAP. XI. 1202.

THE young duke of Britanny, who was now rising to man's estate, sensible of the dangerous character of his uncle, determined to seek both his security and elevation by an union with Philip and the malcontent barons. He joined the French army, which had begun hostilities against the king of England: He was received with great marks of distinction by Philip; was knighted by him; espoused his daughter Mary; and was invested not only in the dutchy of Britanny, but in the counties of Anjou and Maine, which he had formerly resigned to his uncle[l]. Every attempt succeeded with the allies. Tillieres and Boutavant were taken by Philip, after making a 1203.

k Philipp. lib. vi. l Trivet, p. 142.

feeble

CHAP. XI. 1203. feeble defence: Mortimar and Lyons fell into his hands almoſt without reſiſtance. That prince next inveſted Gournai; and opening the ſluices of a lake which lay in the neighbourhood, poured ſuch a torrent of water into the place, that the garriſon deſerted it, and the French monarch, without ſtriking a blow, made himſelf maſter of that important fortreſs. The progreſs of the French arms was rapid, and promiſed more conſiderable ſucceſs than uſually in that age attended military enterpriſes. In anſwer to every advance which the king made towards peace, Philip ſtill inſiſted, that he ſhould reſign all his tranſmarine dominions to his nephew, and reſt contented with the kingdom of England; when an event happened, which ſeemed to turn the ſcales in favour of John, and to give him a deciſive ſuperiority over his enemies.

YOUNG Arthur, fond of military renown, had broken into Poictou at the head of a ſmall army; and paſſing near Mirebeau, he heard that his grandmother queen Eleanor, who had always oppoſed his intereſts, was lodged in that place, and was protected by a weak garriſon and ruinous fortifications[m]. He immediately determined to lay ſiege to the fortreſs, and make himſelf maſter of her perſon: But John, rouſed from his indolence by ſo preſſing an occaſion, collected an army of Engliſh and Brabançons, and advanced from Normandy with haſty marches to the relief of the queen-mother. He fell on Arthur's camp before that prince was aware of the danger; diſperſed his army; took him priſoner, together with the count de la Marche, Geoffrey de Luſignan, and the moſt conſiderable of the revolted barons; and returned in triumph to Normandy[n]. Philip, who was lying before Arques in that dutchy, raiſed the ſiege and retired, upon his approach[o].
1st Auguſt. The greater part of the priſoners were ſent over to England;

[m] Ann. Waverl. p. 167. M. Weſt. p. 264. [n] Ann. Marg. p. 213. M. Weſt. p. 264. [o] M. Weſt. p. 264.

I

England; but Arthur was ſhut up in the caſtle of Falaiſe. CHAP. XI.

THE king had here a conference with his nephew; repreſented to him the folly of his pretenſions; and required him to renounce the French alliance, which had encouraged him to live in a ſtate of enmity with all his family: But the brave, though imprudent youth, rendered more haughty from misfortunes, maintained the juſtice of his cauſe; aſſerted his claim, not only to the French provinces, but to the crown of England; and, in his turn, required the king to reſtore the ſon of his elder brother to the poſſeſſion of his inheritance[p]. John, ſenſible, from theſe ſymptoms of ſpirit, that the young prince, though now a priſoner, might hereafter prove a dangerous enemy, determined to prevent all future peril by diſpatching his nephew; and Arthur was never more heard of. The circumſtances which attended this deed of darkneſs were, no doubt, carefully concealed by the actors, and are variouſly related by hiſtorians: But the moſt probable account is as follows: The king, it is ſaid, firſt propoſed to William de la Bray, one of his ſervants, to diſpatch Arthur; but William replied, that he was a gentleman, not a hangman; and he poſitively refuſed compliance. Another inſtrument of murder was found, and was diſpatched with proper orders to Falaiſe; but Hubert de Bourg, chamberlain to the king, and conſtable of the caſtle, feigning that he himſelf would execute the king's mandate, ſent back the aſſaſſin, ſpread the report that the young prince was dead, and publicly performed all the ceremonies of his interment: But finding, that the Bretons vowed revenge for the murder, and that all the revolted barons perſevered more obſtinately in their rebellion, he thought it prudent to reveal the ſecret, and to inform the world that the duke of Britanny

1203.

Murder of Arthur duke of Britanny.

p M. Weſt. p. 264.

was

CHAP. XI. 1203.

was ſtill alive, and in his cuſtody. This diſcovery proved fatal to the young prince: John firſt removed him to the caſtle of Roüen; and coming in a boat, during the night-time, to that place, commanded Arthur to be brought forth to him. The young prince, aware of his danger, and now more ſubdued by the continuance of his misfortunes, and by the approach of death, threw himſelf on his knees before his uncle, and begged for mercy: But the barbarous tyrant, making no reply, ſtabbed him with his own hands; and faſtening a ſtone to the dead body, threw it into the Seine.

All men were ſtruck with horror at this inhuman deed; and from that moment the king, deteſted by his ſubjects, retained a very precarious authority over both the people and the barons in his dominions. The Bretons, enraged at this diſappointment in their fond hopes, waged implacable war againſt him; and fixing the ſucceſſion of their government, put themſelves in a poſture to revenge the murder of their ſovereign. John had got into his power his niece, Eleanor, ſiſter to Arthur, commonly called *the Damſel of Britanny*; and carrying her over to England, detained her ever after in captivity[q]: But the Bretons, in deſpair of recovering this princeſs, choſe Alice for their ſovereign; a younger daughter of Conſtantia, by her ſecond marriage with Guy de Thouars; and they entruſted the government of the dutchy to that nobleman. The ſtates of Britanny, meanwhile, carried their complaints before Philip as their liege lord, and demanded juſtice for the violence committed by John on the perſon of Arthur, ſo near a relation, who, notwithſtanding the homage which he did to Normandy, was always regarded as one of the chief vaſſals of the crown. Philip received their application with pleaſure; ſummoned John to ſtand a

[q] Trivet, p. 145. T. Wykes, p. 36. Ypod. Neuſt. p. 459.

trial

trial before him; and on his non-appearance passed sentence, with the concurrence of the peers, upon that prince; declared him guilty of felony and parricide; and adjudged him to forfeit to his superior lord all his seignories and fiefs in France [r]. CHAP. XI. 1203.

The king expelled from the French provinces.

THE king of France, whose ambitious and active spirit had been hitherto confined, either by the sound policy of Henry, or the martial genius of Richard, seeing now the opportunity favourable against this base and odious prince, embraced the project of expelling the English, or rather the English king, from France, and of annexing to the crown so many considerable fiefs, which, during several ages, had been dismembered from it. Many of the other great vassals, whose jealousy might have interposed, and have obstructed the execution of this project, were not at present in a situation to oppose it; and the rest either looked on with indifference, or gave their assistance to this dangerous aggrandizement of their superior lord. The earls of Flanders and Blois were engaged in the holy war: The count of Champagne was an infant, and under the guardianship of Philip: The dutchy of Britanny, enraged at the murder of their prince, vigorously promoted all his measures: And the general defection of John's vassals made every enterprise easy and successful against him. Philip, after taking several castles and fortresses beyond the Loire, which he either garrisoned or dismantled, received the submissions of the count Alençon, who deserted John, and delivered up all the places under his command to the French: Upon which Philip broke up his camp, in order to give the troops some repose after the fatigues of the campaign. John, suddenly collecting some forces, laid siege to Alençon; and Philip, whose dispersed army could not be brought together in time to succour it, saw himself exposed

[r] W. Heming. p. 455. M. West. p. 264. Knyghton, p. 2420.

CHAP. XI. 1203.

to the disgrace of suffering the oppression of his friend and confederate. But his active and fertile genius found an expedient against this evil. There was held at that very time a tournament at Moret in the Gatinois; whither all the chief nobility of France and the neighbouring countries had resorted, in order to signalize their prowess and address. Philip presented himself before them; craved their assistance in his distress; and pointed out the plains of Alençon, as the most honourable field in which they could display their generosity and martial spirit. Those valorous knights vowed, that they would take vengeance on the base parricide, the stain of arms and of chivalry; and putting themselves, with all their retinue, under the command of Philip, instantly marched to raise the siege of Alençon. John, hearing of their approach, fled from before the place; and in the hurry abandoned all his tents, machines, and baggage, to the enemy.

This feeble effort was the last exploit of that slothful and cowardly prince for the defence of his dominions. He thenceforth remained in total inactivity at Rouen; passing all his time, with his young wife, in pastimes and amusements, as if his state had been in the most profound tranquillity, or his affairs in the most prosperous condition. If he ever mentioned war, it was only to give himself vaunting airs, which, in the eyes of all men, rendered him still more despicable and ridiculous. *Let the French go on*, said he, *I will retake in a day what it has cost them years to acquire*[s]. His stupidity and indolence appeared so extraordinary, that the people endeavoured to account for the infatuation by sorcery, and believed that he was thrown into this lethargy by some magic or witchcraft. The English barons, finding that their time was wasted to no purpose, and that they must suffer

[s] M. Paris, p. 146. M. West. p. 266.

the disgrace of seeing, without resistance, the progress of the French arms, withdrew from their colours, and secretly returned to their own country[t]. 1203. No one thought of defending a man, who seemed to have deserted himself; and his subjects regarded his fate with the same indifference, to which, in this pressing exigency, they saw him totally abandoned.

JOHN, while he neglected all domestic resources, had the meanness to betake himself to a foreign power, whose protection he claimed: He applied to the pope, Innocent III. and entreated him to interpose his authority between him and the French monarch. Innocent, pleased with any occasion of exerting his superiority, sent Philip orders to stop the progress of his arms, and to make peace with the king of England. But the French barons received the message with indignation; disclaimed the temporal authority assumed by the pontiff; and vowed, that they would, to the uttermost, assist their prince against all his enemies: Philip, seconding their ardour, proceeded, instead of obeying the pope's envoys, to lay siege to Chateau Gaillard, the most considerable fortress which remained to guard the frontiers of Normandy.

CHATEAU Gaillard was situated partly on an island 1204.
in the river Seine, partly on a rock opposite to it; and was secured by every advantage which either art or nature could bestow upon it. The late king, having cast his eye on this favourable situation, had spared no labour or expence in fortifying it; and it was defended by Roger de Laci, constable of Chester, a determined officer, at the head of a numerous garrison. Philip, who despaired of taking the place by force, purposed to reduce it by famine; and that he might cut off its communica-

[t] M. Paris, p. 146. M. West, p. 264.

CHAP. XI. 1204.

tion with the neighbouring country, he threw a bridge acroſs the Seine, while he himſelf with his army blockaded it by land. The earl of Pembroke, the man of greateſt vigour and capacity in the Engliſh court, formed a plan for breaking through the French entrenchments, and throwing relief into the place. He carried with him an army of 4000 infantry and 3000 cavalry, and ſuddenly attacked, with great ſucceſs, Philip's camp in the night-time; having left orders, that a fleet of ſeventy flat-bottomed veſſels ſhould ſail up the Seine, and fall at the ſame inſtant on the bridge. But the wind and the current of the river, by retarding the veſſels, diſconcerted this plan of operations; and it was morning before the fleet appeared; when Pembroke, though ſucceſsful in the beginning of the action, was already repulſed with conſiderable loſs, and the king of France had leiſure to defend himſelf againſt theſe new aſſailants, who alſo met with a repulſe. After this misfortune, John made no farther efforts for the relief of Chateau Gaillard; and Philip had all the leiſure requiſite for conducting and finiſhing the ſiege. Roger de Laci defended himſelf for a twelvemonth with great obſtinacy; and having bravely repelled every attack, and patiently borne all the hardſhips of famine, he was at laſt overpowered by a ſudden aſſault in the night-time, and made priſoner of war, with his garriſon [u]. Philip, who knew how to reſpect valour even in an enemy, treated him with civility, and gave him the whole city of Paris for the place of his confinement.

When this bulwark of Normandy was once ſubdued, all the province lay open to the inroads of Philip; and the king of England deſpaired of being any longer able to defend it. He ſecretly pre-

[u] Trivet, p. 144. Gul. Britto, lib. 7. Ann. Waverl. p. 168.

pared

CHAP. XI.

pared veſſels for a ſcandalous flight; and that the Normans might no longer doubt of his reſolution to abandon them, he ordered the fortifications of 1204.
Pont de l'Arche, Moulineaux, and Montfort l'Amauri to be demoliſhed. Not daring to repoſe confidence in any of his barons, whom he believed to be univerſally engaged in a conſpiracy againſt him, he entruſted the government of the province to Archas Martin and Lupicaire, two mercenary Brabançons, whom he had retained in his ſervice. Philip, now ſecure of his prey, puſhed his conqueſts with vigour and ſucceſs againſt the diſmayed Normans. Falaiſe was firſt beſieged; and Lupicaire, who commanded in this impregnable fortreſs, after ſurrendering the place, inliſted himſelf with his troops in the ſervice of Philip, and carried on hoſtilities againſt his ancient maſter. Caen, Coutance, Seez, Evreux, Baïeux, ſoon fell into the hands of the French monarch, and all the lower Normandy was reduced under his dominion. To forward his enterpriſes on the other diviſion of the province, Gui de Thouars, at the head of the Bretons, broke into the teritory, and took Mount St. Michael, Avranches, and all the other fortreſſes in that neighbourhood. The Normans, who abhorred the French yoke, and who would have defended themſelves to the laſt extremity if their prince had appeared to conduct them, found no reſource but in ſubmiſſion; and every city opened its gates as ſoon
as Philip appeared before it. Roüen alone, Arques, 1205.
and Verneüil, determined to maintain their liberties; and formed a confederacy for mutual defence. Philip began with the ſiege of Roüen: The inhabitants were ſo inflamed with hatred to France, that, on the appearance of his army, they fell on all the natives of that country, whom they found within their walls, and put them to death. But after the French king had begun his operations with ſucceſs, and had taken ſome of their outworks, the citizens, ſeeing

CHAP. XI. 1205. 1st June.

ſeeing no reſource, offered to capitulate; and demanded only thirty days to advertiſe their prince of their danger, and to require ſuccours againſt the enemy. Upon the expiration of the term, as no ſupply had arrived, they opened their gates to Philip[w]; and the whole province ſoon after imitated the example, and ſubmitted to the victor. Thus was this important territory re-united to the crown of France, about three centuries after the ceſſion of it by Charles the Simple to Rollo, the firſt duke: And the Normans, ſenſible that this conqueſt was probably final, demanded the privilege of being governed by French laws; which Philip, making a few alterations on the ancient Norman cuſtoms, readily granted them. But the French monarch had too much ambition and genius to ſtop in his preſent career of ſucceſs. He carried his victorious army into the weſtern provinces; ſoon reduced Anjou, Maine, Touraine, and part of Poictou[x]; and in this manner, the French crown, during the reign of one able and active prince, received ſuch an acceſſion of power and grandeur, as, in the ordinary courſe of things, it would have required ſeveral ages to attain.

John, on his arrival in England, that he might cover the diſgrace of his own conduct, exclaimed loudly againſt his barons, who, he pretended, had deſerted his ſtandard in Normandy; and he arbitrarily extorted from them a ſeventh of all their moveables, as a puniſhment for the offence[y]. Soon after he forced them to grant him a ſcutage of two marks and a half on each knight's fee for an expedition into Normandy; but he did not attempt to execute the ſervice for which he pretended to exact it. Next year he ſummoned all the barons of his realm to attend him on his foreign expedition, and collected ſhips from all the ſea-ports; but meeting

[w] Trivet, p. 147. Ypod. Neuſt. p. 459. [x] Trivet, p. 149.
[y] M. Paris, p. 146. M. Weſt. p. 265.

with

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with oppoſition from ſome of his miniſters, and abandoning his deſign, he diſmiſſed both fleet and army, and then renewed his exclamations againſt the barons for deſerting him. He next put to ſea with a ſmall army, and his ſubjects believed, that he was reſolved to expoſe himſelf to the utmoſt hazard for the defence and recovery of his dominions: But they were ſurpriſed, after a few days, to ſee him return again into harbour, without attempting any thing. In the ſubſequent ſeaſon, he had the courage to carry his hoſtile meaſures a ſtep farther. Gui de Thouars, who governed Britanny, jealous of the rapid progreſs made by his ally, the French king, promiſed to join the king of England with all his forces; and John ventured abroad with a conſiderable army, and landed at Rochelle. He marched to Angers; which he took and reduced to aſhes. But the approach of Philip with an army threw him into a panic; and he immediately made propoſals for peace, and fixed a place of interview with his enemy: But inſtead of keeping this engagement, he ſtole off with his army, embarked at Rochelle, and returned, loaded with new ſhame and diſgrace, into England. The mediation of the pope procured him at laſt a truce for two years with the French monarch [z]; almoſt all the tranſmarine provinces were raviſhed from him; and his Engliſh barons, though haraſſed with arbitrary taxes and fruitleſs expeditions, ſaw themſelves and their country baffled and affronted in every enterpriſe.

1205.

1206.

In an age when perſonal valour was regarded as the chief accompliſhment, ſuch conduct as that of John, always diſgraceful, muſt be expoſed to peculiar contempt; and he muſt thenceforth have expected to rule his turbulent vaſſals with a very doubtful authority. But the government exerciſed by the Norman princes had wound up the

[z] Rymer, vol. i. p. 141.

CHAP. XI.

1206.

royal power to so high a pitch, and so much beyond the usual tenour of the feudal constitutions, that it still behoved him to be debased by new affronts and disgraces, ere his barons could entertain the view of conspiring against him, in order to retrench his prerogatives. The church, which, at that time, declined not a contest with the most powerful and most vigorous monarchs, took first advantage of John's imbecility; and, with the most aggravating circumstances of insolence and scorn, fixed her yoke upon him.

1207.

The king's quarrel with the court of France.

The papal chair was then filled by Innocent III. who, having attained that dignity at the age of thirty-seven years, and being endowed with a lofty and enterprising genius, gave full scope to his ambition, and attempted, perhaps more openly than any of his predecessors, to convert that superiority which was yielded him by all the European princes, into a real dominion over them. The hierarchy, protected by the Roman pontiff, had already carried to an enormous height its usurpations upon the civil power; but in order to extend them farther, and render them useful to the court of Rome, it was necessary to reduce the ecclesiastics themselves under an absolute monarchy, and to make them entirely dependent on their spiritual leader. For this purpose, Innocent first attempted to impose taxes at pleasure upon the clergy; and in the first year of this century, taking advantage of the popular frenzy for crusades, he sent collectors over all Europe, who levied, by his authority, the fortieth of all ecclesiastical revenues for the relief of the Holy Land, and received the voluntary contributions of the laity to a like amount[a]. The same year Hubert, archbishop of Canterbury, attempted another innovation, favourable to ecclesiastical and papal power: In the king's absence, he summoned,

[a] Rymer, vol. i. p. 119.

by

CHAP. XI.

1207.

by his legantine authority, a ſynod of all the Engliſh clergy, contrary to the inhibition of Geoffrey Fitz-Peter, the chief juſticiary; and no proper cenſure was ever paſſed on this encroachment, the firſt of the kind, upon the royal power. But a favourable incident ſoon after happened, which enabled ſo aſpiring a pontiff as Innocent to extend ſtill farther his uſurpations on ſo contemptible a prince as John.

HUBERT, the primate, died in 1205; and as the monks or canons of Chriſt-church, Canterbury, poſſeſſed a right of voting in the election of their archbiſhop, ſome of the juniors of the order, who lay in wait for that event, met clandeſtinely the very night of Hubert's death; and, without any congé d'élire from the king, choſe Reginald, their ſub-prior, for the ſucceſſor; inſtalled him in the archi-epiſcopal throne before midnight; and having enjoined him the ſtricteſt ſecrecy, ſent him immediately to Rome, in order to ſolicit the confirmation of his election [b]. The vanity of Reginald prevailed over his prudence; and he no ſooner arrived in Flanders, than he revealed to every one the purpoſe of his journey, which was immediately known in England [c]. The king was enraged at the novelty and temerity of the attempt, in filling ſo important an office without his knowledge or conſent: The ſuffragan biſhops of Canterbury, who were accuſtomed to concur in the choice of their primate, were no leſs diſpleaſed at the excluſion given them in this election: The ſenior monks of Chriſt-church were injured by the irregular proceedings of their juniors: The juniors themſelves, aſhamed of their conduct, and diſguſted with the levity of Reginald, who had broken his engagements with them, were willing to ſet aſide his election [d]: And all men concurred in the deſign of remedying the

[b] M. Paris, p. 148. M. Weſt. p. 266. [c] Ibid.
[d] M. Weſt. p. 266.

falſe

CHAP. XI. 1207.

false measures which had been taken. But as John knew that this affair would be canvassed before a superior tribunal, where the interposition of royal authority in bestowing ecclesiastical benefices was very invidious; where even the cause of suffragan bishops was not so favourable as that of monks; he determined to make the new election entirely unexceptionable: He submitted the affair wholly to the canons of Christ-church; and departing from the right claimed by his predecessors, ventured no farther than to inform them privately, that they would do him an acceptable service if they chose John de Gray, bishop of Norwich, for their primate [e]. The election of that prelate was accordingly made without a contradictory vote; and the king, to obviate all contests, endeavoured to persuade the suffragan bishops not to insist on their claim of concurring in the election: But those prelates, persevering in their pretensions, sent an agent to maintain their cause before Innocent; while the king, and the convent of Christ-church, dispatched twelve monks of that order to support, before the same tribunal, the election of the bishop of Norwich.

Thus there lay three different claims before the pope, whom all parties allowed to be the supreme arbiter in the contest. The claim of the suffragans, being so opposite to the usual maxims of the papal court, was soon set aside: The election of Reginald was so obviously fraudulent and irregular, that there was no possibility of defending it: But Innocent maintained, that though this election was null and invalid, it ought previously to have been declared such by the sovereign pontiff, before the monks could proceed to a new election; and that the choice of the bishop of Norwich was of course as uncanonical as that of his competitor [f]. Advan-

[e] M. Paris, p. 149. M. West. p. 266.

[f] M. Paris, p. 155. Chron. de Mailr. p. 182.

tage

1207.

tage was therefore taken of this ſubtlety for introducing a precedent, by which the ſee of Canterbury, the moſt important dignity in the church after the papal throne, ſhould ever after be at the diſpoſal of the court of Rome.

WHILE the pope maintained ſo many fierce conteſts, in order to wreſt from princes the right of granting inveſtitures, and to exclude laymen from all authority in conferring eccleſiaſtical benefices, he was ſupported by the united influence of the clergy, who, aſpiring to independence, fought, with all the ardour of ambition, and all the zeal of ſuperſtition, under his ſacred banners. But no ſooner was this point, after a great effuſion of blood and the convulſions of many ſtates, eſtabliſhed in ſome tolerable degree, than the victorious leader, as is uſual, turned his arms againſt his own community, and aſpired to centre all power in his perſon. By the invention of reſerves, proviſions, commendams, and other devices, the pope gradually aſſumed the right of filling vacant benefices; and the plenitude of his apoſtolic power, which was not ſubject to any limitations, ſupplied all defects of title in the perſon on whom he beſtowed preferment. The canons which regulated elections were purpoſely rendered intricate and involved: Frequent diſputes aroſe among candidates: Appeals were every day carried to Rome: The apoſtolic ſee, beſides reaping pecuniary advantages from theſe conteſts, often exerciſed the power of ſetting aſide both the litigants, and on pretence of appeaſing faction, nominated a third perſon, who might be more acceptable to the contending parties.

THE preſent controverſy about the election to the ſee of Canterbury afforded Innocent an opportunity of claiming this right; and he failed not to perceive and avail himſelf of the advantage. He ſent for the twelve monks deputed by the convent to maintain the cauſe of the biſhop of Norwich;

and

CHAP. XI.

1207. Cardinal Langton appointed archbiſhop of Canterbury.

and commanded them, under the penalty of excommunication, to chooſe for their primate, cardinal Langton, an Engliſhman by birth, but educated in France, and connected, by his intereſt and attachments, with the ſee of Rome[g]. In vain did the monks repreſent, that they had received from their convent no authority for this purpoſe; that an election, without a previous writ from the king, would be deemed highly irregular; and that they were merely agents for another perſon, whoſe right they had no power or pretence to abandon. None of them had the courage to perſevere in this oppoſition, except one, Elias de Brantefield: All the reſt, overcome by the menaces and authority of the pope, complied with his orders, and made the election required of them.

INNOCENT, ſenſible that this flagrant uſurpation would be highly reſented by the court of England, wrote John a mollifying letter; ſent him four golden rings ſet with precious ſtones; and endeavoured to enhance the value of the preſent, by informing him of the many myſteries implied in it. He begged him to conſider ſeriouſly the *form* of the rings, their *number*, their *matter*, and their *colour*. Their form, he ſaid, being round, ſhadowed out Eternity, which had neither beginning nor end; and he ought thence to learn his duty of aſpiring from earthly objects to heavenly, from things temporal to things eternal. The number four, being a ſquare, denoted ſteadineſs of mind, not to be ſubverted either by adverſity or proſperity, fixed for ever on the firm baſis of the four cardinal virtues. Gold, which is the matter, being the moſt precious of metals, ſignified Wiſdom, which is the moſt valuable of all accompliſhments, and juſtly preferred by Solomon to riches, power, and all exterior attainments. The blue colour of the ſaphire repre-

[g] M. Paris, p. 155. Ann. Waverl. p. 169. W. Heming. p. 553. Knyghton, p. 2415.

ſented

ſented Faith; the verdure of the emerald, Hope; the redneſs of the ruby, Charity; and the ſplendour of the topaz, Good Works[h]. By theſe conceits, Innocent endeavoured to repay John for one of the moſt important prerogatives of his crown, which he had raviſhed from him; conceits probably admired by Innocent himſelf: For it is eaſily poſſible for a man, eſpecially in a barbarous age, to unite ſtrong talents for buſineſs with an abſurd taſte for literature and the arts.

John was inflamed with the utmoſt rage when he heard of this attempt of the court of Rome[i]; and he immediately vented his paſſion on the monks of Chriſt-church, whom he found inclined to ſupport the election made by their fellows at Rome. He ſent Fulke de Cantelupe and Henry de Cornhulle, two knights of his retinue, men of violent tempers and rude manners, to expel them the convent, and take poſſeſſion of their revenues. Theſe knights entered the monaſtery with drawn ſwords, commanded the prior and the monks to depart the kingdom, and menaced them, that, in caſe of diſobedience, they would inſtantly burn them with the convent[k]. Innocent prognoſticating, from the violence and imprudence of theſe meaſures, that John would finally ſink in the conteſt, perſevered the more vigorouſly in his pretenſions, and exhorted the king not to oppoſe God and the church any longer, nor to proſecute that cauſe for which the holy martyr St. Thomas had ſacrificed his life, and which had exalted him equal to the higheſt ſaints in heaven[l]: A clear hint to John to profit by the example of his father, and to remember the prejudices and eſtabliſhed principles of his ſubjects, who bore a profound veneration to that martyr, and re-

[h] Rymer, vol. i. p. 139. M. Paris, p. 155. [i] Rymer, vol. i. p. 143. [k] M. Paris, p. 156. Trivet, p. 151. Ann. Waverl. p. 169. [l] M. Paris, p. 157.

garded

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garded his merits as the ſubject of their chief glory and exultation.

1207.

INNOCENT, finding that John was not ſufficiently tamed to ſubmiſſion, ſent three prelates, the biſhops of London, Ely, and Worceſter, to intimate that if he perſevered in his diſobedience, the ſovereign pontiff would be obliged to lay the kingdom under an interdict [m]. All the other prelates threw themſelves on their knees before him, and entreated him, with tears in their eyes, to prevent the ſcandal of this ſentence, by making a ſpeedy ſubmiſſion to his ſpiritual father, by receiving from his hands the new-elected primate, and by reſtoring the monks of Chriſt-church to all their rights and poſſeſſions. He burſt out into the moſt indecent invectives againſt the prelates; ſwore by God's teeth, (his uſual oath,) that if the pope preſumed to lay his kingdom under an interdict, he would ſend to him all the biſhops and clergy in England, and would confiſcate all their eſtates; and threatened, that if thenceforth he caught any Romans in his dominions, he would put out their eyes and cut off their noſes, in order to ſet a mark upon them which might diſtinguiſh them from all other nations [n]. Amidſt all this idle violence, John ſtood on ſuch bad terms with his nobility, that he never dared to aſſemble the ſtates of the kingdom, who, in ſo juſt a cauſe, would probably have adhered to any other monarch, and have defended with vigour the liberties of the nation againſt theſe palpable uſurpations of the court of Rome. Innocent, therefore, perceiving the king's weakneſs, fulminated at laſt the ſentence of interdict, which he had for ſome time held ſuſpended over him [o].

Interdict of the kingdom.

THE ſentence of interdict was at that time the great inſtrument of vengeance and policy employed by the court of Rome; was denounced againſt ſo-

[m] M. Paris, p. 157. [n] Ibid. [o] Ibid. Trivet, p. 152. Ann. Waverl. p. 170. M. Weſt. p. 268.

vereigns

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vereigns for the lighteſt offences; and made the guilt of one perſon involve the ruin of millions, even in their ſpiritual and eternal welfare. The execution of it was calculated to ſtrike the ſenſes in the higheſt degree, and to operate with irreſiſtible force on the ſuperſtitious minds of the people. The nation was of a ſudden deprived of all exterior exerciſe of its religion: The altars were deſpoiled of their ornaments: The croſſes, the reliques, the images, the ſtatues of the ſaints, were laid on the ground; and, as if the air itſelf were profaned, and might pollute them by its contact, the prieſts carefully covered them up, even from their own approach and veneration. The uſe of bells entirely ceaſed in all the churches: The bells themſelves were removed from the ſteeples, and laid on the ground with the other ſacred utenſils. Maſs was celebrated with ſhut doors, and none but the prieſts were admitted to that holy inſtitution. The laity partook of no religious rite, except baptiſm to new-born infants, and the communion to the dying: The dead were not interred in conſecrated ground: They were thrown into ditches, or buried in common fields; and their obſequies were not attended with prayers or any hallowed ceremony. Marriage was celebrated in the church-yards [p]; and that every action in life might bear the marks of this dreadful ſituation, the people were prohibited the uſe of meat, as in Lent, or times of the higheſt penance; were debarred from all pleaſures and entertainments; and were forbidden even to ſalute each other, or ſo much as to ſhave their beards, and give any decent attention to their perſon and apparel. Every circumſtance carried ſymptoms of the deepeſt diſtreſs, and of the moſt immediate apprehenſion of divine vengeance and indignation.

THE king, that he might oppoſe *his* temporal to *their* ſpiritual terrors, immediately, from his own

[p] Chron. Dunſt. vol. i. p. 51.

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authority, confiscated the estates of all the clergy who obeyed the interdict[q]; banished the prelates, confined the monks in their convent, and gave them only such a small allowance from their own estates as would suffice to provide them with food and raiment. He treated with the utmost rigour all Langton's adherents, and every one that showed any disposition to obey the commands of Rome: And in order to distress the clergy in the tenderest point, and at the same time expose them to reproach and ridicule, he threw into prison all their concubines, and required high fines as the price of their liberty[r].

After the canons which established the celibacy of the clergy were, by the zealous endeavours of archbishop Anselm, more rigorously executed in England, the ecclesiastics gave, almost universally and avowedly, into the use of concubinage; and the court of Rome, which had no interest in prohibiting this practice, made very slight opposition to it. The custom was become so prevalent, that, in some cantons of Switzerland, before the reformation, the laws not only permitted, but, to avoid scandal, enjoined the use of concubines to the younger clergy; and it was usual every where for priests to apply to the ordinary, and obtain from him a formal liberty for this indulgence. The bishop commonly took care to prevent the practice from degenerating into licentiousness: He confined the priest to the use of one woman, required him to be constant to her bed, obliged him to provide for her subsistence and that of her children; and though the offspring was, in the eye of the law, deemed illegitimate, this commerce was really a kind of inferior marriage, such as is still practised in Germany among the nobles[s]; and may be regarded by the candid as an appeal from the tyranny of civil and ecclesiastical institutions, to the more virtuous and more unerring laws of nature.

q Ann. Waverl. p. 170. r M. Paris, p. 158. Ann. Waverl. p. 170. s Padre Paolo, Hist. Conc. Trid. lib. 1.

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The quarrel between the king and the see of Rome continued for some years; and though many of the clergy, from the fear of punishment, obeyed the orders of John, and celebrated divine service, they complied with the utmost reluctance, and were regarded, both by themselves and the people, as men who betrayed their principles, and sacrificed their conscience to temporal regards and interests. During this violent situation, the king, in order to give a lustre to his government, attempted military expeditions against Scotland, against Ireland, against the Welsh[t]; and he commonly prevailed, more from the weakness of his enemies, than from his own vigour or abilities. Meanwhile, the danger to which his government stood continually exposed from the discontents of the ecclesiastics, increased his natural propension to tyranny; and he seems to have even wantonly disgusted all orders of men, especially his nobles, from whom alone he could reasonably expect support and assistance. He dishonoured their families by his licentious amours; he published edicts, prohibiting them from hunting feathered game, and thereby restrained them from their favourite occupation and amusement[u]; he ordered all the hedges and fences near his forests to be levelled, that his deer might have more ready access into the fields for pasture; and he continually loaded the nation with arbitrary impositions. Con- 1208.
scious of the general hatred which he had incurred, he required his nobility to give him hostages for security of their allegiance; and they were obliged to put into his hands their sons, nephews, or near relations. When his messengers came with like orders to the castle of William de Braouse, a baron of great note, the lady of that nobleman replied, That she would never entrust her son into the hands

[t] W. Heming, p. 556. Ypod. Neust. p. 460. Knyghton, p. 2420. [u] M. West. p. 268.

CHAP. XI. of one who had murdered his own nephew while in his custody. Her husband reproved her for the severity of this speech; but, sensible of his danger,
1208. he immediately fled with his wife and son into Ireland, where he endeavoured to conceal himself. The king discovered the unhappy family in their retreat; seized the wife and son, whom he starved to death in prison; and the baron himself narrowly escaped, by flying into France.

1209. THE court of Rome had artfully contrived a gradation of sentences; by which she kept offenders in awe; still afforded them an opportunity of preventing the next anathema by submission; and, in case of their obstinacy, was able to refresh the horror of the people against them, by new denunciations of the wrath and vengeance of Heaven. As the sentence of interdict had not produced the desired effect on John, and as his people, though extremely discontented, had hitherto been restrained from rising in open rebellion against him, he was soon to look for the sentence of excommunication: And he had reason to apprehend, that notwithstanding all his precautions, the most dangerous consequences might ensue from it. He was witness of the other scenes which at that very time were acting in Europe, and which displayed the unbounded and uncontrolled power of the papacy. Innocent, far from being dismayed at his contests with the king of England, had excommunicated the emperor Otho, John's nephew[w]; and soon brought that powerful and haughty prince to submit to his authority. He published a crusade against the Albigenses, a species of enthusiasts in the south of France, whom he denominated heretics; because, like other enthusiasts, they neglected the rites of the church, and opposed the power and influence of the clergy: The people

[w] M. Paris, p. 160. Trivet, 154. M. West. p. 269.

from

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from all parts of Europe, moved by their superstition and their passion for wars and adventures, flocked to his standard: Simon de Montfort, the general of the crusade, acquired to himself a sovereignty in these provinces: The count of Toulouse, who protected, or perhaps only tolerated the Albigenses, was stripped of his dominions: And these sectaries themselves, though the most innocent and inoffensive of mankind, were exterminated with all the circumstances of extreme violence and barbarity. Here were therefore both an army and a general, dangerous from their zeal and valour, who might be directed to act against John; and Innocent, after keeping the thunder long suspended, gave at last authority to the bishops of London, Ely, and Worcester, to fulminate the sentence of excommunication against him [x]. These prelates obeyed; though their brethren were deterred from publishing, as the pope required of them, the sentence in the several churches of their dioceses.

Excommunication of the king.

No sooner was the excommunication known, than the effects of it appeared. Geoffrey, archdeacon of Norwich, who was entrusted with a considerable office in the court of exchequer, being informed of it while sitting on the bench, observed to his colleagues the danger of serving under an excommunicated king; and he immediately left his chair, and departed the court. John gave orders to seize him, to throw him into prison, to cover his head with a great leaden cope; and by this and other severe usage he put an end to his life [y]: Nor was there any thing wanting to Geoffrey, except the dignity and rank of Becket, to exalt him to an equal station in heaven with that great and celebrated martyr. Hugh de Wells, the chancellor, being elected, by the king's appointment, bishop of Lincoln, upon a vacancy in that see, desired leave to go abroad, in

[x] M. Paris, p. 159. M. West. p. 270. [y] M. Paris, p. 159.

CHAP. XI. 1209. order to receive consecration from the archbishop of Rouen; but he no sooner reached France than he hastened to Pontigny, where Langton then resided, and paid submissions to him as his primate. The bishops, finding themselves exposed either to the jealousy of the king or hatred of the people, gradually stole out of the kingdom; and at last there remained only three prelates to perform the functions of the episcopal office [z]. Many of the nobility, terrified by John's tyranny, and obnoxious to him on different accounts, imitated the example of the bishops; and most of the others who remained were, with reason, suspected of having secretly entered into a confederacy against him [a]. John was alarmed at his dangerous situation; a situation which prudence, vigour, and popularity might formerly have prevented, but which no virtues or abilities were now sufficient to retrieve. He desired a conference with Langton at Dover; offered to acknowledge him as primate, to submit to the pope, to restore the exiled clergy, even to pay them a limited sum as a compensation for the rents of their confiscated estates. But Langton, perceiving his advantage, was not satisfied with these concessions: He demanded that full restitution and reparation should be made to all the clergy; a condition so exorbitant that the king, who probably had not the power of fulfilling it, and who foresaw that this estimation of damages might amount to an immense sum, finally broke off the conference [b].

1212. THE next gradation of papal sentences was to absolve John's subjects from their oaths of fidelity and allegiance, and to declare every one excommunicated who had any commerce with him in public or in private; at his table, in his council, or even in private conversation [c]: And this sentence was

[z] Ann. Waverl. p. 170. Ann. Marg. p. 14. [a] M. Paris, p. 162. M. West. p. 270, 271. [b] Ann. Waverl. p. 171. [c] M. Paris, p. 161. M. West. p. 270.

accordingly, with all imaginable ſolemnity, pronounced againſt him. But as John ſtill perſevered in his contumacy, there remained nothing but the ſentence of depoſition; which, though intimately connected with the former, had been diſtinguiſhed from it by the artifice of the court of Rome; and Innocent determined to dart this laſt thunderbolt againſt the refractory monarch. But as a ſentence of this kind required an armed force to execute it, the pontiff, caſting his eyes around, fixed at laſt on Philip king of France, as the perſon into whoſe powerful hand he could moſt properly entruſt that weapon, the ultimate reſource of his ghoſtly authority. And he offered the monarch, beſides the remiſſion of all his ſins and endleſs ſpiritual benefits, the property and poſſeſſion of the kingdom of England, as the reward of his labour [d]. 1212.

It was the common concern of all princes to oppoſe theſe exorbitant pretenſions of the Roman pontiff, by which they themſelves were rendered vaſſals, and vaſſals totally dependent of the papal crown: Yet even Philip, the moſt able monarch of the age, was ſeduced by preſent intereſt, and by the proſpect of ſo tempting a prize, to accept this liberal offer of the pontiff, and thereby to ratify that authority which, if he ever oppoſed its boundleſs uſurpations, might next day tumble him from the throne. He levied a great army; ſummoned all the vaſſals of the crown to attend him at Roüen; collected a fleet of 1700 veſſels, great and ſmall, in the ſea-ports of Normandy and Picardy; and partly from the zealous ſpirit of the age, partly from the perſonal regard univerſally paid him, prepared a force, which ſeemed equal to the greatneſs of his enterpriſe. The king, on the other 1213.

[d] M. Paris, p. 162. M. Weſt. p. 271.

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hand, iſſued out writs, requiring the attendance of all his military tenants at Dover, and even of all able-bodied men, to defend the kingdom in this dangerous extremity. A great number appeared; and he ſelected an army of 60,000 men; a power invincible, had they been united in affection to their prince, and animated with a becoming zeal for the defence of their native country [e]. But the people were ſwayed by ſuperſtition, and regarded their king with horror, as anathematiſed by papal cenſures: The barons, beſides lying under the ſame prejudices, were all diſguſted by his tyranny, and were, many of them, ſuſpected of holding a ſecret correſpondence with the enemy: And the incapacity and cowardice of the king himſelf, ill fitted to contend with thoſe mighty difficulties, made men prognoſticate the moſt fatal effects from the French invaſion.

Pandolf, whom the pope had choſen for his legate, and appointed to head this important expedition, had, before he left Rome, applied for a ſecret conference with his maſter, and had aſked him, whether if the king of England, in this deſperate ſituation, were willing to ſubmit to the apoſtolic ſee, the church ſhould, without the conſent of Philip, grant him any terms of accommodation [f]? Innocent, expecting from his agreement with a prince ſo abject both in character and fortune, more advantages than from his alliance with a great and victorious monarch, who, after ſuch mighty acquiſitions, might become too haughty to be bound by ſpiritual chains, explained to Pandolf the conditions on which he was willing to be reconciled to the king of England. The legate, therefore, as ſoon as he arrived in the north of France, ſent over two knights templars to deſire an interview with John at Dover, which was readily granted: He there repre-

[e] M. Paris, p. 163. M. Weſt. p. 271. [f] M. Paris, p. 162.

ſented

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1213. 13th May. The king's submission to the pope.

sented to him, in such strong, and probably in such true colours, his lost condition, the disaffection of his subjects, the secret combination of his vassals against him, the mighty armament of France, that John yielded at discretion [g], and subscribed to all the conditions which Pandolf was pleased to impose upon him. He promised, among other articles, that he would submit himself entirely to the judgment of the pope; that he would acknowledge Langton for primate; that he would restore all the exiled clergy and laity who had been banished on account of the contest; that he would make them full restitution of their goods, and compensation for all damages, and instantly consign eight thousand pounds in part of payment; and that every one outlawed or imprisoned for his adherence to the pope, should immediately be received into grace and favour [h]. Four barons swore, along with the king, to the observance of this ignominious treaty [i].

But the ignominy of the king was not yet carried to its full height. Pandolf required him, as the first trial of obedience, to resign his kingdom to the church; and he persuaded him, that he could nowise so effectually disappoint the French invasion, as by thus putting himself under the immediate protection of the apostolic see. John, lying under the agonies of present terror, made no scruple of submitting to this condition. He passed a charter, in which he said, that not constrained by fear, but of his own free will, and by the common advice and consent of his barons, he had, for remission of his own sins, and those of his family, resigned England and Ireland to God, to St. Peter and St. Paul, and to pope Innocent and his successors in the apostolic chair: He agreed to hold these dominions as feudatory of the church of Rome, by the annual pay-

[g] M. West. p. 271. [h] Rymer, vol. i. p. 166. M. Paris, p. 163. Annal. Burt. p. 268. [i] Rymer, vol. i. p. 170. M. Paris, p. 163.

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ment of a thousand marks; seven hundred for England, three hundred for Ireland: And he stipulated, that if he or his successors should ever presume to revoke or infringe this charter, they should instantly, except upon admonition they repented of their offence, forfeit all right to their dominions [k].

15th May. IN consequence of this agreement, John did homage to Pandolf as the pope's legate, with all the submissive rites which the feudal law required of vassals before their liege-lord and superior. He came disarmed into the legate's presence, who was seated on a throne; he flung himself on his knees before him; he lifted up his joined hands, and put them within those of Pandolf; he swore fealty to the pope; and he paid part of the tribute which he owed for his kingdom as the patrimony of St. Peter. The legate, elated by this supreme triumph of sacerdotal power, could not forbear discovering extravagant symptoms of joy and exultation: He trampled on the money, which was laid at his feet, as an earnest of the subjection of the kingdom: An insolence of which, however offensive to all the English, no one present, except the archbishop of Dublin, dared to take any notice. But though Pandolf had brought the king to submit to these base conditions, he still refused to free him from the excommunication and interdict, till an estimation should be taken of the losses of the ecclesiastics, and full compensation and restitution should be made them.

JOHN, reduced to this abject situation under a foreign power, still shewed the same disposition to tyrannise over his subjects, which had been the chief cause of all his misfortunes. One Peter of Pomfret, a hermit, had foretold that the king, this very year, should lose his crown; and for that rash prophecy he

[k] Rymer, vol. i. p. 176. M. Paris, p. 165.

had

had been thrown into priſon in Corfe-caſtle. John now determined to bring him to puniſhment as an impoſtor; and though the man pleaded, that his prophecy was fulfilled, and that the king had loſt the royal and independent crown which he formerly wore, the defence was ſuppoſed to aggravate his guilt: He was dragged at horſes tails, to the town of Warham, and there hanged on a gibbet with his ſon[l]. CHAP. XI. 1213.

WHEN Pandolf, after receiving the homage of John, returned to France, he congratulated Philip on the ſucceſs of his pious enterpriſe; and informed him, that John, moved by the terror of the French arms, had now come to a juſt ſenſe of his guilt; had returned to obedience under the apoſtolic ſee, and even conſented to do homage to the pope for his dominions; and having thus made his kingdom a part of St. Peter's patrimony, had rendered it impoſſible for any Chriſtian prince, without the moſt manifeſt and moſt flagrant impiety, to attack him[m]. Philip was enraged on receiving this intelligence: He exclaimed, that having, at the pope's inſtigations, undertaken an expedition, which had coſt him above 60,000 pounds ſterling, he was fruſtrated of his purpoſe, at the time when its ſucceſs was become infallible: He complained, that all the expence had fallen upon him; all the advantages had accrued to Innocent: He threatened to be no longer the dupe of theſe hypocritical pretences: And aſſembling his vaſſals, he laid before them the ill-treatment which he had received, expoſed the intereſted and fraudulent conduct of the pope, and required their aſſiſtance to execute his enterpriſe againſt England, in which he told them, that, notwithſtanding the inhibitions and menaces of the legate, he was determined to perſevere. The French barons were, in that age, little leſs ignorant

[l] M. Paris, p. 165. Chron. Dunſt. vol. i. p. 56.
[m] Trivet, p. 160.

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rant and superstitious than the English: Yet, so much does the influence of those religious principles depend on the present dispositions of men! they all vowed to follow their prince on his intended expedition, and were resolute not to be disappointed of that glory and those riches which they had long expected from this enterprise. The earl of Flanders alone, who had previously formed a secret treaty with John, declaring against the injustice and impiety of the undertaking, retired with his forces [n]; and Philip, that he might not leave so dangerous an enemy behind him, first turned his arms against the dominions of that prince. Meanwhile, the English fleet was assembled under the earl of Salisbury, the king's natural brother; and, though inferior in number, received orders to attack the French in their harbours. Salisbury performed this service with so much success, that he took three hundred ships; destroyed a hundred more [o]: And Philip, finding it impossible to prevent the rest from falling into the hands of the enemy, set fire to them himself, and thereby rendered it impossible for him to proceed any farther in his enterprise.

John, exulting in his present security, insensible to his past disgrace, was so elated with his success, that he thought of no less than invading France in his turn, and recovering all those provinces which the prosperous arms of Philip had formerly ravished from him. He proposed this expedition to the barons, who were already assembled for the defence of the kingdom. But the English nobles both hated and despised their prince: They prognosticated no success to any enterprise conducted by such a leader: And pretending that their time of service was elapsed, and all their provisions exhausted, they refused to second his undertaking [p]. The king however, resolute in his purpose, em-

[n] M. Paris, p. 166. [o] M. Paris, p. 166. Chron. Dunst. vol. i. p. 59. Trivet, p. 157. [p] M. Paris, p. 166.

barked

barked with a few followers, and sailed to Jersey, in the foolish expectation that the barons would at last be ashamed to stay behind [q]. But finding himself disappointed, he returned to England; and raising some troops, threatened to take vengeance on all his nobles for their desertion and disobedience. The archbishop of Canterbury, who was in a confederacy with the barons, here interposed; strictly inhibited the king from thinking of such an attempt; and threatened him with a renewal of the sentence of excommunication, if he pretended to levy war upon any of his subjects, before the kingdom were freed from the sentence of interdict [r].

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THE church had recalled the several anathemas pronounced against John, by the same gradual progress with which she had at first issued them. By receiving his homage, and admitting him to the rank of a vassal, his deposition had been virtually annulled, and his subjects were again bound by their oaths of allegiance. The exiled prelates had then returned in great triumph, with Langton at their head; and the king, hearing of their approach, went forth to meet them, and throwing himself on the ground before them, he entreated them, with tears, to have compassion on him and the kingdom of England [s]. The primate, seeing these marks of sincere penitence, led him to the chapter-house of Winchester, and there administered an oath to him, by which he again swore fealty and obedience to pope Innocent and his successors; promised to love, maintain, and defend holy church and the clergy; engaged that he would re-establish the good laws of his predecessors, particularly those of St. Edward, and would abolish the wicked ones; and expressed his resolution of maintaining justice and right in all his dominions [t]. The primate next gave him ab-

20th July.

[q] M. Paris, p. 166. [r] Ibid. p. 167. [s] M. Paris, p. 166. Ann. Waverl. p. 178. [t] M. Paris, p. 166.

solution

CHAP. XI. 1213. ſolution in the requiſite forms, and admitted him to dine with him, to the great joy of all the people. The ſentence of interdict, however, was ſtill upheld againſt the kingdom. A new legate, Nicholas biſhop of Freſcati, came into England in the room of Pandolf; and he declared it to be the pope's intentions never to looſen that ſentence till full reſtitution were made to the clergy of every thing taken from them, and ample reparation for all damages which they had ſuſtained. He only permitted maſs to be ſaid with a low voice in the churches, till thoſe loſſes and damages could be eſtimated to the ſatisfaction of the parties. Certain barons were appointed to take an account of the claims; and John was aſtoniſhed at the greatneſs of the ſums to which the clergy made their loſſes to amount. No leſs than twenty thouſand marks were demanded by the monks of Canterbury alone; twenty-three thouſand for the ſee of Lincoln; and the king, finding theſe pretenſions to be exorbitant and endleſs, offered the clergy the ſum of a hundred thouſand marks for a final acquittal. The clergy rejected the offer with diſdain; but the pope, willing to favour his new vaſſal, whom he found zealous in his declarations of fealty, and regular in paying the ſtipulated tribute to Rome, directed his legate to accept of forty thouſand. The iſſue of the whole was, that the biſhops and conſiderable abbots got reparation beyond what they had any title to demand: The inferior clergy were obliged to ſit down contented with their loſſes: And the king, after the interdict was taken off, renewed, in the moſt ſolemn manner, and by a new charter, ſealed with gold, his profeſſions of homage and obedience to the ſee of Rome.

1214. WHEN this vexatious affair was at laſt brought to a concluſion, the king, as if he had nothing farther to attend to but triumphs and victories, went over

1214.

over to Poictou, which still acknowledged his authority[u]; and he carried war into Philip's dominions. He besieged a castle near Angiers; but the approach of prince Lewis, Philip's son, obliged him to raise the siege with such precipitation, that he left his tents, machines, and baggage behind him; and he returned to England with disgrace. About the same time, he heard of the great and decisive victory gained by the king of France at Bovines over the emperor Otho, who had entered France at the head of 150,000 Germans; a victory which established for ever the glory of Philip, and gave full security to all his dominions. John could, therefore, think henceforth of nothing farther, than of ruling peaceably his own kingdom; and his close connections with the pope, which he was determined at any price to maintain, ensured him, as he imagined, the certain attainment of that object. But the last and most grievous scene of this prince's misfortunes still awaited him; and he was destined to pass through a series of more humiliating circumstances than had ever yet fallen to the lot of any other monarch.

Discontents of the barons.

THE introduction of the feudal law into England by William the Conqueror had much infringed the liberties, however imperfect, enjoyed by the Anglo-Saxons in their ancient government, and had reduced the whole people to a state of vassalage under the king or barons, and even the greater part of them to a state of real slavery. The necessity also of entrusting great power in the hands of a prince, who was to maintain military dominion over a vanquished nation, had engaged the Norman barons to submit to a more severe and absolute prerogative, than that to which men of their rank, in other feudal governments, were commonly subjected. The power of the crown, once raised to a high pitch,

[u] Queen Eleanor died in 1203 or 1204.

was

CHAP. XI. 1214.

was not easily reduced; and the nation, during the course of a hundred and fifty years, was governed by an authority unknown, in the same degree, to all the kingdoms founded by the northern conquerors. Henry I. that he might allure the people to give an exclusion to his elder brother Robert, had granted them a charter, favourable in many particulars to their liberties; Stephen had renewed the grant; Henry II. had confirmed it: But the concessions of all these princes had still remained without effect; and the same unlimited, at least irregular authority, continued to be exercised both by them and their successors. The only happiness was, that arms were never yet ravished from the hands of the barons and people: The nation, by a great confederacy, might still vindicate its liberties: And nothing was more likely, than the character, conduct, and fortunes of the reigning prince, to produce such a general combination against him. Equally odious and contemptible, both in public and private life, he affronted the barons by his insolence, dishonoured their families by his gallantries, enraged them by his tyranny, and gave discontent to all ranks of men by his endless exactions and impositions [w]. The effect of these lawless practices had already appeared in the general demand made by the barons of a restoration of their privileges; and after he had reconciled himself to the pope, by abandoning the independence of the kingdom, he appeared to all his subjects in so mean a light, that they universally thought they might with safety and honour insist upon their pretensions.

But nothing forwarded this confederacy so much as the concurrence of Langton archbishop of Canterbury; a man whose memory, though he was obtruded on the nation by a palpable encroachment of the see of Rome, ought always to be respected by

[w] Chron. Mailr. p. 188. T. Wykes, p. 36. Ann. Waverl. p. 181. W. Heming. p. 557.

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the English. This prelate, whether he was moved CHAP. XI.
by the generosity of his nature, and his affection
to public good; or had entertained an animosity 1214.
against John on account of the long opposition made by that prince to his election; or thought that an acquisition of liberty to the people would serve to increase and secure the privileges of the church; had formed the plan of reforming the government, and had prepared the way for that great innovation, by inserting those singular clauses above mentioned in the oath which he administered to the king, before he would absolve him from the sentence of excommunication. Soon after, in a private meeting of some principal barons at London, he showed them a copy of Henry I.'s charter, which, he said, he had happily found in a monastery; and he exhorted them to insist on the renewal and observance of it: The barons swore, that they would sooner lose their lives than depart from so reasonable a demand[w]. The confederacy began now to spread wider, and to comprehend almost all the barons in England; and a new and more numerous meeting was summoned by Langton at St. Edmondsbury, under colour of devotion. He November.
again produced to the assembly the old charter of Henry; renewed his exhortations of unanimity and vigour in the prosecution of their purpose; and represented in the strongest colours the tyranny to which they had so long been subjected, and from which it now behoved them to free themselves and their posterity[x]. The barons, inflamed by his eloquence, incited by the sense of their own wrongs, and encouraged by the appearance of their power and numbers, solemnly took an oath, before the high altar, to adhere to each other, to insist on their demands, and to make endless war on the king, till he should submit to grant them[y]. They agreed, that, after

[w] M. Paris, p. 167. [x] Ibid. p. 175. [y] Ibid. p. 176.

the

CHAP. XI. 1214. the feſtival of Chriſtmas, they would prefer in a body their common petition; and, in the mean time, they ſeparated, after mutually engaging, that they would put themſelves in a poſture of defence, would inliſt men and purchaſe arms, and would ſupply their caſtles with the neceſſary proviſions.

1215. 6th Jan. THE barons appeared in London on the day appointed; and demanded of the king, that, in conſequence of his own oath before the primate, as well as in deference to their juſt rights, he ſhould grant them a renewal of Henry's charter, and a confirmation of the laws of St. Edward. The king, alarmed with their zeal and unanimity, as well as with their power, required a delay; promiſed that, at the feſtival of Eaſter, he would give them a poſitive anſwer to their petition; and offered them the archbiſhop of Canterbury, the biſhop of Ely, and the earl of Pembroke, the mareſchal, as ſureties for his fulfilling this engagement[z]. The barons accepted of the terms, and peaceably returned to their caſtles.

15th Jan. DURING this interval, John, in order to break or ſubdue the league of his barons, endeavoured to avail himſelf of the eccleſiaſtical power, of whoſe influence he had, from his own recent misfortunes, had ſuch fatal experience. He granted to the clergy a charter, relinquiſhing for ever that important prerogative for which his father and all his anceſtors had zealouſly contended; yielding to them the free election on all vacancies; reſerving only the power to iſſue a congé d'elire, and to ſubjoin a confirmation of the election; and declaring that, if either of theſe were withheld, the choice ſhould nevertheleſs be deemed juſt and valid[a]. He made a vow to lead an army into Paleſtine againſt the infidels, and he took on him the croſs; in hopes that he ſhould receive from the church that protec-

[z] M. Paris, p. 176. W. Weſt. p. 273. [a] Rymer, vol. i. p. 197.

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CHAP. XI. 1215.

tion which he tendered to every one that had entered into this ſacred and meritorious engagement[b]. And he ſent to Rome his agent, William de Mauclerc, in order to appeal to the pope againſt the violence of his barons, and procure him a favourable ſentence from that powerful tribunal[c]. The barons alſo were not negligent on their part in endeavouring to engage the pope in their intereſts: They diſpatched Euſtace de Veſcie to Rome; laid their caſe before Innocent as their feudal lord; and petitioned him to interpoſe his authority with the king, and oblige him to reſtore and confirm all their juſt and unbounded privileges[d].

INNOCENT beheld with regret the diſturbances which had ariſen in England, and was much inclined to favour John in his pretenſions. He had no hopes of retaining and extending his newly acquired ſuperiority over that kingdom, but by ſupporting ſo baſe and degenerate a prince, who was willing to ſacrifice every conſideration to his preſent ſafety: And he foreſaw, that if the adminiſtration ſhould fall into the hands of thoſe gallant and high-ſpirited barons, they would vindicate the honour, liberty, and independence of the nation, with the ſame ardour which they now exerted in defence of their own. He wrote letters therefore to the prelates, to the nobility, and to the king himſelf. He exhorted the firſt to employ their good offices in conciliating peace between the contending parties, and putting an end to civil diſcord: To the ſecond, he expreſſed his diſapprobation of their conduct in employing force to extort conceſſions from their reluctant ſovereign: The laſt, he adviſed to treat his nobles with grace and indulgence, and to grant them ſuch of their demands as ſhould appear juſt and reaſonable[e].

[b] Rymer, vol. i. p. 200. Trivet, p. 162. T. Wykes, p. 37. M. Weſt. p. 273. [c] Rymer, vol. i. p. 184. [d] Ibid. [e] Ibid. p. 196, 197.

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1215.

The barons eaſily ſaw, from the tenor of theſe letters, that they muſt reckon on having the pope, as well as the king, for their adverſary; but they had already advanced too far to recede from their pretenſions, and their paſſions were ſo deeply engaged, that it exceeded even the power of ſuperſtition itſelf any longer to control them. They alſo foreſaw, that the thunders of Rome, when not ſeconded by the efforts of the Engliſh eccleſiaſtics, would be of ſmall avail againſt them; and they perceived, that the moſt conſiderable of the prelates, as well as all the inferior clergy, profeſſed the higheſt approbation of their cauſe. Beſides that theſe men were ſeized with the national paſſion for laws and liberty; bleſſings, of which they themſelves expected to partake; there concurred very powerful cauſes to looſen their devoted attachment to the apoſtolic ſee. It appeared, from the late uſurpations of the Roman pontiff, that he pretended to reap alone all the advantages accruing from that victory, which, under his banners, though at their own peril, they had every where obtained over the civil magiſtrate. The pope aſſumed a deſpotic power over all the churches: Their particular cuſtoms, privileges, and immunities, were treated with diſdain: Even the canons of general councils were ſet aſide by his diſpenſing power: The whole adminiſtration of the church was centered in the court of Rome: All preferments ran of courſe in the ſame channel: And the provincial clergy ſaw, at leaſt felt, that there was a neceſſity for limiting theſe pretenſions. The legate, Nicholas, in filling thoſe numerous vacancies which had fallen in England during an interdict of ſix years, had proceeded in the moſt arbitrary manner; and had paid no regard in conferring dignities to perſonal merit, to rank, to the inclination of the electors, or to the cuſtoms of the country. The Engliſh church was univerſally diſguſted; and Langton himſelf, though

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he owed his elevation to an incroachment of the Romish see, was no sooner established in his high office, than he became jealous of the privileges annexed to it, and formed attachments with the country subjected to his jurisdiction. These causes, though they opened slowly the eyes of men, failed not to produce their effect: They set bounds to the usurpations of the papacy: The tide first stopped, and then turned against the sovereign pontiff: And it is otherwise inconceiveable, how that age, so prone to superstition, and so sunk in ignorance, or rather so devoted to a spurious erudition, could have escaped falling into an absolute and total slavery under the court of Rome.

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Insurrection of the barons.

About the time that the pope's letters arrived in England, the malcontent barons, on the approach of the festival of Easter, when they were to expect the king's answer to their petition, met by agreement at Stamford; and they assembled a force, consisting of above 2000 knights, besides their retainers and inferior persons without number. Elated with their power, they advanced in a body to Brackley, within fifteen miles of Oxford, the place where the court then resided; and they there received a message from the king, by the archbishop of Canterbury and the earl of Pembroke, desiring to know what those liberties were which they so zealously challenged from their sovereign. They delivered to these messengers a schedule containing the chief articles of their demands; which was no sooner shown to the king, than he burst into a furious passion, and asked, why the barons did not also demand of him his kingdom; swearing that he would never grant them such liberties as must reduce himself to slavery [f].

27th Apr.

No sooner were the confederated nobles informed of John's reply, than they chose Robert Fitz-

[f] M. Paris, p. 176.

CHAP. XI. 1215. Walter their general, whom they called *the mareschal of the army of God and of holy church*; and they proceeded without farther ceremony to levy war upon the king. They besieged the castle of Northampton during fifteen days, though without success[f]: The gates of Bedford castle were willingly opened to them by William Beauchamp, its owner: They advanced to Ware in their way to London, where they held a correspondence with the principal citizens: They were received without opposition into that capital; and finding now the great superiority of their force, they issued proclamations, requiring the other barons to join them; and menacing them, in case of refusal or delay, with committing devastation on their houses and estates[g]. In order to show what might be expected from their prosperous arms, they made incursions from London, and laid waste the king's parks and palaces; and all the barons, who had hitherto carried the semblance of supporting the royal party, were glad of this pretence for openly joining a cause which they always had secretly favoured. The king was left at Odiham in Hampshire, with a poor retinue of only seven knights; and after trying several expedients to elude the blow, after offering to refer all differences to the pope alone, or to eight barons, four to be chosen by himself, and four by the confederates[h], he found himself at last obliged to submit at discretion.

24th May.

Magna Charta. 15th June.

A CONFERENCE between the king and the barons was appointed at Runnemede, between Windsor and Staines; a place which has ever since been extremely celebrated, on account of this great event. The two parties encamped apart, like open enemies; and after a debate of a few days, the king, with a facility somewhat suspicious, signed and sealed the charter which was required of him. This

19th June.

[f] M. Paris, p. 177. Chron. Dunst. vol. i. p. 71.
[g] M. Paris, p. 177. [h] Rymer, vol. i. p. 200.

famous deed, commonly called the GREAT CHARTER, either granted or secured very important liberties and privileges to every order of men in the kingdom; to the clergy, to the barons, and to the people. 1215.

THE freedom of elections was secured to the clergy: The former charter of the king was confirmed, by which the necessity of a royal congé d'elire and confirmation was superseded: All check upon appeals to Rome was removed, by the allowance granted every man to depart the kingdom at pleasure: And the fines to be imposed on the clergy, for any offence, were ordained to be proportional to their lay estates, not to their ecclesiastical benefices.

THE privileges granted to the barons were either abatements in the rigour of the feudal law, or determinations in points which had been left by that law, or had become by practice, arbitrary and ambiguous. The reliefs of heirs succeeding to a military fee were ascertained; an earl's and baron's at a hundred marks, a knight's at a hundred shillings. It was ordained by the charter, that, if the heir be a minor, he shall, immediately upon his majority, enter upon his estate, without paying any relief: The king shall not sell his wardship: He shall levy only reasonable profits upon the estate, without committing waste, or hurting the property: He shall uphold the castles, houses, mills, parks, and ponds: And if he commit the guardianship of the estate to the sheriff or any other, he shall previously oblige them to find surety to the same purpose. During the minority of a baron, while his lands are in wardship, and are not in his own possession, no debt which he owes to the Jews shall bear any interest. Heirs shall be married without disparagement; and before the marriage be contracted, the nearest relations of the person shall be informed of it. A widow, without paying any re-

lief,

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lief, ſhall enter upon her dower, the third part of her huſband's rents: She ſhall not be compelled to marry, ſo long as ſhe chuſes to continue ſingle; ſhe ſhall only give ſecurity never to marry without her lord's conſent. The king ſhall not claim the wardſhip of any minor who holds lands by military tenure of a baron, on pretence that he alſo holds lands of the crown, by ſoccage or any other tenure. Scutages ſhall be eſtimated at the ſame rate as in the time of Henry I.; and no ſcutage or aid, except in the three general feudal caſes, the king's captivity, the knighting of his eldeſt ſon, and the marrying of his eldeſt daughter, ſhall be impoſed but by the great council of the kingdom; the prelates, earls, and great barons, ſhall be called to this great council, each by a particular writ; the leſſer barons by a general ſummons of the ſheriff. The king ſhall not ſeize any baron's land for a debt to the crown, if the baron poſſeſſes as many goods and chattels as are ſufficient to diſcharge the debt. No man ſhall be obliged to perform more ſervice for his fee than he is bound to by his tenure. No governor or conſtable of a caſtle ſhall oblige any knight to give money for caſtle-guard, if the knight be willing to perform the ſervice in perſon, or by another able-bodied man; and if the knight be in the field himſelf, by the king's command, he ſhall be exempted from all other ſervice of this nature. No vaſſal ſhall be allowed to ſell ſo much of his land as to incapacitate himſelf from performing his ſervice to his lord.

These were the principal articles, calculated for the intereſt of the barons; and had the charter contained nothing farther, national happineſs and liberty had been very little promoted by it, as it would only have tended to increaſe the power and independence of an order of men who were already too powerful, and whoſe yoke might have become more heavy on the people than even that of an ab-

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ſolute monarch. But the barons, who alone drew and impoſed on the prince this memorable charter, were neceſſitated to inſert in it other clauſes of a more extenſive and more beneficent nature: They could not expect the concurrence of the people, without comprehending, together with their own, the intereſts of inferior ranks of men; and all proviſions which the barons, for their own ſake, were obliged to make, in order to enſure the free and equitable adminiſtration of juſtice, tended directly to the benefit of the whole community. The following were the principal clauſes of this nature.

It was ordained, that all the privileges and immunities above mentioned, granted to the barons againſt the king, ſhould be extended by the barons to their inferior vaſſals. The king bound himſelf not to grant any writ, empowering a baron to levy aid from his vaſſals, except in the three feudal caſes. One weight and one meaſure ſhall be eſtabliſhed throughout the kingdom. Merchants ſhall be allowed to tranſact all buſineſs, without being expoſed to any arbitrary tolls and impoſitions: They and all free men ſhall be allowed to go out of the kingdom and return to it at pleaſure: London, and all cities and burghs, ſhall preſerve their ancient liberties, immunities, and free cuſtoms: Aids ſhall not be required of them but by the conſent of the great council: No towns or individuals ſhall be obliged to make or ſupport bridges but by ancient cuſtom: The goods of every freeman ſhall be diſpoſed of according to his will: If he die inteſtate, his heirs ſhall ſucceed to them. No officer of the crown ſhall take any horſes, carts, or wood, without the conſent of the owner. The king's courts of juſtice ſhall be ſtationary, and ſhall no longer follow his perſon: They ſhall be open to every one; and juſtice ſhall no longer be ſold, refuſed, or delayed by them. Circuits ſhall be regularly held every year: The inferior tribunals of juſtice,

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justice, the county court, sheriff's turn and court-leet, shall meet at their appointed time and place: The sheriffs shall be incapacitated to hold pleas of the crown; and shall not put any person upon his trial, from rumour or suspicion alone, but upon the evidence of lawful witnesses. No freeman shall be taken or imprisoned, or dispossessed of his free tenement and liberties, or outlawed, or banished, or any wise hurt or injured, unless by the legal judgment of his peers, or by the law of the land; and all who suffered otherwise, in this or the two former reigns, shall be restored to their rights and possessions. Every freeman shall be fined in proportion to his fault; and no fine shall be levied on him to his utter ruin: Even a villain or rustic shall not, by any fine, be bereaved of his carts, ploughs, and implements of husbandry. This was the only article calculated for the interests of this body of men, probably at that time the most numerous in the kingdom.

It must be confessed, that the former articles of the Great Charter contain such mitigations and explanations of the feudal law as are reasonable and equitable; and that the latter involve all the chief outlines of a legal government, and provide for the equal distribution of justice and free enjoyment of property; the great objects for which political society was at first founded by men, which the people have a perpetual and unalienable right to recal, and which no time, nor precedent, nor statute, nor positive institution, ought to deter them from keeping ever uppermost in their thoughts and attention. Though the provisions made by this charter might, conformably to the genius of the age, be esteemed too concise, and too bare of circumstances, to maintain the execution of its articles, in opposition to the chicanery of lawyers, supported by the violence of power; time gradually ascertained the sense of all the ambiguous expressions;

ſions; and thoſe generous barons, who firſt extorted this conceſſion, ſtill held their ſwords in their hands, and could turn them againſt thoſe who dared on any pretence to depart from the original ſpirit and meaning of the grant. We may now, from the tenor of this charter, conjecture what thoſe laws were of king Edward which the Engliſh nation, during ſo many generations, ſtill deſired, with ſuch an obſtinate perſeverance, to have recalled and eſtabliſhed. They were chiefly theſe latter articles of *Magna Charta*; and the barons who, at the beginning of theſe commotions, demanded the revival of the Saxon laws, undoubtedly thought that they had ſufficiently ſatisfied the people, by procuring them this conceſſion, which comprehended the principal objects to which they had ſo long aſpired. But what we are moſt to admire is, the prudence and moderation of thoſe haughty nobles themſelves, who were enraged by injuries, inflamed by oppoſition, and elated by a total victory over their ſovereign. They were content, even in this plenitude of power, to depart from ſome articles of Henry I.'s charter, which they made the foundation of their demands, particularly from the abolition of wardſhips, a matter of the greateſt importance; and they ſeem to have been ſufficiently careful not to diminiſh too far the power and revenue of the crown. If they appear, therefore, to have carried other demands to too great a height, it can be aſcribed only to the faithleſs and tyrannical character of the king himſelf, of which they had long had experience, and which, they foreſaw, would, if they provided no farther ſecurity, lead him ſoon to infringe their new liberties, and revoke his own conceſſions. This alone gave birth to thoſe other articles, ſeemingly exorbitant, which were added as a rampart for the ſafeguard of the Great Charter.

The barons obliged the king to agree that London ſhould remain in their hands, and the Tower

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be consigned to the custody of the primate, till the 15th of August ensuing, or till the execution of the several articles of the Greater Charter [k]. The better to ensure the same end, he allowed them to chuse five-and-twenty members from their own body, as conservators of the public liberties; and no bounds were set to the authority of these men either in extent or duration. If any complaint were made of a violation of the charter, whether attempted by the king, justiciaries, sheriffs, or foresters, any four of these barons might admonish the king to redress the grievance: If satisfaction were not obtained, they could assemble the whole council of twenty-five; who, in conjunction with the great council, were empowered to compel him to observe the charter; and, in case of resistance, might levy war against him, attack his castles, and employ every kind of violence, except against his royal person, and that of his queen and children. All men throughout the kingdom were bound, under the penalty of confiscation, to swear obedience to the twenty-five barons; and the freeholders of each county were to chuse twelve knights, who were to make report of such evil customs as required redress, conformably to the tenor of the Great Charter [l]. The names of those conservators were, the Earls of Clare, Albemarle, Gloucester, Winchester, Hereford, Roger Bigod earl of Norfolk, Robert de Vere earl of Oxford, William Mareschal the younger, Robert Fitz-Walter, Gilbert de Clare, Eustace de Vescey, Gilbert Delaval, William de Moubray, Geoffrey de Say, Roger de Mombezon, William de Huntingfield, Robert de Ros, the constable of Chester, William de Aubenie, Richard de Perci, William Malet, John Fitz-Robert, William de Lanvalay,

[k] Rymer, vol. i. p. 201. Chron. Dunst. vol. i. p. 73.

[l] This seems a very strong proof that the house of commons was not then in being; otherwise the knights and burgesses from the several counties could have given in to the lords a list of grievances, without so unusual an election.

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Hugh de Bigod, and Roger de Montfichet[m]. These men were, by this convention, really invested with the sovereignty of the kingdom: They were rendered co-ordinate with the king, or rather superior to him, in the exercise of the executive power: And as there was no circumstance of government which, either directly or indirectly, might not bear a relation to the security or observance of the Great Charter, there could scarcely occur any incident in which they might not lawfully interpose their authority. CHAP. XI. 1215.

JOHN seemed to submit passively to all these regulations, however injurious to majesty: He sent writs to all the sheriffs, ordering them to constrain every one to swear obedience to the twenty-five barons[n]: He dismissed all his foreign forces: He pretended that his government was thenceforth to run in a new tenor, and be more indulgent to the liberty and independence of his people. But he only dissembled, till he should find a favourable opportunity for annulling all his concessions. The injuries and indignities which he had formerly suffered from the pope and the king of France, as they came from equals or superiors, seemed to make but small impression on him: But the sense of this perpetual and total subjection under his own rebellious vassals, sunk deep in his mind, and he was determined, at all hazards, to throw off so ignominious a slavery[o]. He grew sullen, silent, and reserved: He shunned the society of his courtiers and nobles: He retired into the Isle of Wight, as if desirous of hiding his shame and confusion; but in this retreat he meditated the most fatal vengeance against all his enemies[p]. He secretly sent abroad his emissaries to inlist foreign soldiers, and to invite the rapacious Brabançons into his service, by the prospect of sharing the spoils of England, and reaping the for-

[m] M. Paris, p. 181. [n] Ibid. p. 182.
[o] Ibid. p. 183. [p] Ibid.

feitures

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feitures of ſo many opulent barons, who had incurred the guilt of rebellion by riſing in arms againſt him[q]: And he diſpatched a meſſenger to Rome, in order to lay before the pope the Great Charter, which he had been compelled to ſign, and to complain, before that tribunal, of the violence which had been impoſed upon him[r].

INNOCENT, conſidering himſelf as feudal lord of the kingdom, was incenſed at the temerity of the barons, who, though they pretended to appeal to his authority, had dared, without waiting for his conſent, to impoſe ſuch terms on a prince, who, by reſigning to the Roman pontiff his crown and independence, had placed himſelf immediately under the papal protection. He iſſued, therefore, a bull, in which, from the plenitude of his apoſtolic power, and from the authority which God had committed to him, to build and deſtroy kingdoms, to plant and overthrow, he annulled and abrogated the whole charter, as unjuſt in itſelf, as obtained by compulſion, and as derogatory to the dignity of the apoſtolic ſee. He prohibited the barons from exacting the obſervance of it: He even prohibited the king himſelf from paying any regard to it: He abſolved him and his ſubjects from all oaths which they had been conſtrained to take to that purpoſe: And he pronounced a general ſentence of excommunication againſt every one who ſhould perſevere in maintaining ſuch treaſonable and iniquitous pretenſions[s].

Renewal of the civil wars.

THE king, as his foreign forces arrived along with this bull, now ventured to take off the maſk; and, under ſanction of the pope's decree, recalled all the liberties which he had granted to his ſubjects, and which he had ſolemnly ſworn to obſerve. But the ſpiritual weapon was found, upon trial, to carry leſs force with it than he had reaſon from his own

[q] M. Paris, p. 183. Chron. Dunſt. vol. i. p. 72. Chron. Mailr. p. 188. [r] M. Paris, p. 183. Chron. Dunſt. vol. i. p. 73. [s] Rymer, vol. i. p. 203, 204, 205. 208. M. Paris, p. 184, 185. 187.

expe-

experience to apprehend. The primate refused to obey the pope in publishing the sentence of excommunication against the barons; and though he was cited to Rome, that he might attend a general council there assembled, and was suspended on account of his disobedience to the pope, and his secret correspondence with the king's enemies[t]; though a new and particular sentence of excommunication was pronounced by name against the principal barons[u]; John still found that his nobility and people, and even his clergy, adhered to the defence of their liberties, and to their combination against him: The sword of his foreign mercenaries was all he had to trust to for restoring his authority. CHAP. XI. 1215.

The barons, after obtaining the Great Charter, seem to have been lulled into a fatal security, and to have taken no rational measures, in case of the introduction of a foreign force, for re-assembling their armies. The king was, from the first, master of the field; and immediately laid siege to the castle of Rochester, which was obstinately defended by William de Albiney, at the head of a hundred and forty knights with their retainers, but was at last reduced by famine. 30th Nov. John, irritated with the resistance, intended to have hanged the governor and all the garrison; but, on the representation of William de Mauleon, who suggested to him the danger of reprisals, he was content to sacrifice, in this barbarous manner, the inferior prisoners only[w]. The captivity of William de Albiney, the best officer among the confederated barons, was an irreparable loss to their cause; and no regular opposition was thenceforth made to the progress of the royal arms. The ravenous and barbarous mercenaries, incited by a cruel and enraged prince, were let loose against the estates, tenants, manors, houses, parks of the barons, and spread devastation over the face of the

[t] M. Paris, p. 189. [u] Rymer, vol. i. p. 211. M. Paris, p. 192. [w] M. Paris, p. 187.

kingdom.

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kingdom. Nothing was to be ſeen but the flames of villages and caſtles reduced to aſhes; the conſternation and miſery of the inhabitants, tortures exerciſed by the ſoldiery to make them reveal their concealed treaſures, and repriſals no leſs barbarous committed by the barons and their partiſans on the royal demeſnes, and on the eſtates of ſuch as ſtill adhered to the crown. The king, marching through the whole extent of England, from Dover to Berwic, laid the provinces waſte on each ſide of him; and conſidered every ſtate, which was not his immediate property, as entirely hoſtile, and the object of military execution. The nobility of the north, in particular, who had ſhewn greateſt violence in the recovery of their liberties, and who, acting in a ſeparate body, had expreſſed their diſcontent even at the conceſſions made by the Great Charter, as they could expect no mercy, fled before him with their wives and families, and purchaſed the friendſhip of Alexander, the young king of Scots, by doing homage to him.

Prince Lewis called over.

THE barons, reduced to this deſperate extremity, and menaced with the total loſs of their liberties, their properties, and their lives, employed a remedy no leſs deſperate; and making applications to the court of France, they offered to acknowledge Lewis, the eldeſt ſon of Philip, for their ſovereign, on condition that he would afford them protection from the violence of their enraged prince. Though the ſenſe of the common rights of mankind, the only rights that are entirely indefeaſible, might have juſtified them in the depoſition of their king, they declined inſiſting before Philip on a pretenſion which is commonly ſo diſagreeable to ſovereigns, and which ſounds harſhly in their royal ears. They affirmed that John was incapable of ſucceeding to the crown, by reaſon of the attainder paſſed upon him during his brother's reign; though that attainder had been reverſed, and Richard had even, by his laſt

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last will, declared him his successor. They pretended that he was already legally deposed by sentence of the peers of France, on account of the murder of his nephew; though that sentence could not possibly regard any thing but his transmarine dominions, which alone he held in vassalage to that crown. On more plausible grounds they affirmed, that he had already deposed himself by doing homage to the pope, changing the nature of his sovereignty, and resigning an independent crown for a fee under a foreign power. And as Blanche of Castile, the wife of Lewis, was descended by her mother from Henry II. they maintained, though many other princes stood before her in the order of succession, that they had not shaken off the royal family, in chusing her husband for their sovereign.

PHILIP was strongly tempted to lay hold on the rich prize which was offered to him. The legate menaced him with interdicts and excommunications if he invaded the patrimony of St. Peter, or attacked a prince who was under the immediate protection of the holy see [x]: But as Philip was assured of the obedience of his own vassals, his principles were changed with the times, and he now undervalued as much all papal censures, as he formerly pretended to pay respect to them. His chief scruple was with regard to the fidelity which he might expect from the English barons in their new engagements, and the danger of entrusting his son and heir into the hands of men who might, on any caprice or necessity, make peace with their native sovereign, by sacrificing a pledge of so much value. He therefore exacted from the barons twenty-five hostages of the most noble birth in the kingdom [y]; and having obtained this security, he sent over first a small army to the relief of the confederates; then more numerous forces, which arrived with Lewis himself at their head.

[x] M. Paris, p. 194. M. West. p. 275.
[y] M. Paris, p. 193. Chron. Dunst. vol. i. p. 74.

THE

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THE first effect of the young prince's appearance in England was the desertion of John's foreign troops, who, being mostly levied in Flanders, and other provinces of France, refused to serve against the heir of their monarchy[z]. The Gascons and Poictevins alone, who were still John's subjects, adhered to his cause; but they were too weak to maintain that superiority in the field which they had hitherto supported against the confederated barons. Many considerable noblemen deserted John's party, the earls of Salisbury, Arundel, Warrenne, Oxford, Albemarle, and William Mareschal the younger: His castles fell daily into the hands of the enemy; Dover was the only place which, from the valour and fidelity of Hubert de Burgh the governor, made resistance to the progress of Lewis[a]: And the barons had the melancholy prospect of finally succeeding in their purpose, and of escaping the tyranny of their own king, by imposing on themselves and the nation a foreign yoke. But this union was of short duration between the French and English nobles; and the imprudence of Lewis, who on every occasion showed too visible a preference to the former, increased that jealousy which it was so natural for the latter to entertain in their present situation[b]. The viscount of Melun too, it is said, one of his courtiers, fell sick at London, and finding the approaches of death, he sent for some of his friends among the English barons, and warning them of their danger, revealed Lewis's secret intentions of exterminating them and their families as traitors to their prince, and of bestowing their estates and dignities on his native subjects, in whose fidelity he could more reasonably place confidence[c]: This story, whether true or false, was universally reported and believed; and concurring with other circumstances which rendered it credible, did great preju-

[z] M. Paris, p. 195. [a] Ibid. p. 198. Chron. Dunst. vol. i. p. 75, 76. [b] W. Heming. p. 559. [c] M. Paris, p. 199. M. West. p. 277.

dice

dice to the cause of Lewis. The earl of Salisbury, and other noblemen, deserted again to John's party [d]; and as men easily changed sides in a civil war, especially where their power is founded on an hereditary and independent authority, and is not derived from the opinion and favour of the people, the French prince had reason to dread a sudden reverse of fortune. The king was assembling a considerable army, with a view of fighting one great battle for his crown; but passing from Lynne to Lincolnshire, his road lay along the sea-shore, which was overflowed at high water; and not chusing the proper time for his journey, he lost in the inundation all his carriages, treasure, baggage, and regalia. The affliction for this disaster, and vexation from the distracted state of his affairs, increased the sickness under which he then laboured; and though he reached the castle of Newark, he was obliged to halt there, and his distemper soon after put an end to his life, in the forty-ninth year of his age, and eighteenth of his reign; and freed the nation from the dangers to which it was equally exposed by his success or by his misfortunes.

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17th Oct. Death

The character of this prince is nothing but a complication of vices, equally mean and odious; ruinous to himself, and destructive to his people. Cowardice, inactivity, folly, levity, licentiousness, ingratitude, treachery, tyranny, and cruelty; all these qualities appear too evidently in the several incidents of his life, to give us room to suspect that the disagreeable picture has been anywise overcharged by the prejudices of the ancient historians. It is hard to say whether his conduct to his father, his brother, his nephew, or his subjects, was most culpable; or whether his crimes, in these respects, were not even exceeded by the baseness which appeared in his transactions with the king of France,

and character of the king.

[d] Chron. Dunst. vol. i. p. 78.

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the pope, and the barons. His European dominions, when they devolved to him by the death of his brother, were more extenſive than have ever, ſince his time, been ruled by any Engliſh monarch: But he firſt loſt, by his miſconduct, the flouriſhing provinces in France, the ancient patrimony of his family: He ſubjected his kingdom to a ſhameful vaſſalage under the ſee of Rome: He ſaw the prerogatives of his crown diminiſhed by law, and ſtill more reduced by faction: And he died at laſt, when in danger of being totally expelled by a foreign power, and of either ending his life miſerably in priſon, or ſeeking ſhelter as a fugitive from the purſuit of his enemies.

The prejudices againſt this prince were ſo violent, that he was believed to have ſent an embaſſy to the Miramoulin or emperor of Morocco, and to have offered to change his religion and become Mahometan, in order to purchaſe the protection of that monarch. But though this ſtory is told us, on plauſible authority, by Matthew Paris[e], it is in itſelf utterly improbable; except that there is nothing ſo incredible but may be believed to proceed from the folly and wickedneſs of John.

The monks throw great reproaches on this prince for his impiety and even infidelity; and as an inſtance of it, they tell us, that having one day caught a very fat ſtag, he exclaimed, *How plump and well fed is this animal! and yet I dare ſwear he never heard maſs*[f]. This ſally of wit, upon the uſual corpulency of the prieſts, more than all his enormous crimes and iniquities, made him paſs with them for an atheiſt.

John left two legitimate ſons behind him, Henry, born on the firſt of October 1207, and now nine years of age; and Richard, born on the ſixth of January 1209; and three daughters, Jane, afterwards married to Alexander king of Scots; Eleanor,

[e] P. 169. [f] M. Paris, p. 170.

married

married first to William Mareschal the younger, earl of Pembroke, and then to Simon Mountfort, earl of Leicester; and Isabella, married to the emperor Frederic II. All these children were born to him by Isabella of Angoulesme his second wife. His illegitimate children were numerous; but none of them were anywise distinguished.

It was this king who, in the ninth year of his reign, first gave by charter to the city of London, the right of electing annually a mayor out of its own body, an office which was till now held for life. He gave the city also power to elect and remove its sheriffs at pleasure, and its common-council-men annually. London-bridge was finished in this reign: The former bridge was of wood. Maud the empress was the first that built a stone bridge in England.

APPENDIX II.

The FEUDAL and ANGLO-NORMAN GOVERNMENT and MANNERS.

Origin of the feudal law——Its progreſs——Feudal government of England——The feudal parliament——The commons——Judicial power——Revenue of the crown——Commerce——The church——Civil laws——Manners.

THE feudal law is the chief foundation, both of the political government and of the juriſprudence eſtabliſhed by the Normans in England. Our ſubject therefore requires that we ſhould form a juſt idea of this law, in order to explain the ſtate as well of that kingdom as of all other kingdoms of Europe, which during thoſe ages were governed by ſimilar inſtitutions. And though I am ſenſible that I muſt here repeat many obſervations and reflections which have been communicated by others [g]; yet, as every book, agreeably to the obſervation of a great hiſtorian [h], ſhould be as complete as poſſible within itſelf, and ſhould never refer for any thing material to other books, it will be neceſſary in this place to deliver a ſhort plan of that prodigious fabric which for ſeveral centuries preſerved ſuch a mixture of liberty and oppreſſion, order and anarchy, ſtability

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[g] L'Eſprit de Loix. Dr. Robertſon's Hiſtory of Scotland.
[h] Padre Paolo Hiſt. Conc. Trid.

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and revolution, as was never experienced in any other age, or any other part of the world.

Origin of the feudal law.

After the northern nations had ſubdued the provinces of the Roman empire, they were obliged to eſtabliſh a ſyſtem of government which might ſecure their conqueſts, as well againſt the revolt of their numerous ſubjects who remained in the provinces, as from the inroads of other tribes, who might be tempted to raviſh from them their new acquiſitions. The great change of circumſtances made them here depart from thoſe inſtitutions which prevailed among them while they remained in the foreſts of Germany; yet was it ſtill natural for them to retain, in their preſent ſettlement, as much of their antient cuſtoms as was compatible with their new ſituation.

The German governments, being more a confederacy of independent warriors than a civil ſubjection, derived their principal force from many inferior aud voluntary aſſociations, which individuals formed under a particular head or chieftain, and which it became the higheſt point of honour to maintain with inviolable fidelity. The glory of the chief conſiſted in the number, the bravery, and the zealous attachment of his retainers: The duty of the retainers required that they ſhould accompany their chief in all wars and dangers, that they ſhould fight and periſh by his ſide, and that they ſhould eſteem his renown or his favour a ſufficient recompence for all their ſervices[i]. The prince himſelf was nothing but a great chieftain, who was choſen from among the reſt on account of his ſuperior valour or nobility; and who derived his power from the voluntary aſſociation or attachment of the other chieftains.

When a tribe, governed by theſe ideas, and actuated by theſe principles, ſubdued a large territory,

[i] Tacit. de Mor. Germ.

they

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they found that though it was neceſſary to keep themſelves in a military poſture, they could neither remain united in a body, nor take up their quarters in ſeveral garriſons, and that their manners and inſtitutions debarred them from uſing theſe expedients; the obvious ones, which in a like ſituation would have been employed by a more civilized nation. Their ignorance in the art of finances, and perhaps the devaſtations inſeparable from ſuch violent conqueſts, rendered it impracticable for them to levy taxes ſufficient for the pay of numerous armies; and their repugnance to ſubordination, with their attachment to rural pleaſures, made the life of the camp or garriſon, if perpetuated during peaceful times, extremely odious and diſguſtful to them. They ſeized, therefore, ſuch a portion of the conquered lands as appeared neceſſary; they aſſigned a ſhare for ſupporting the dignity of their prince and government; they diſtributed other parts, under the title of fiefs, to the chiefs; theſe made a new partition among their retainers; the expreſs condition of all theſe grants was, that they might be reſumed at pleaſure, and that the poſſeſſor, ſo long as he enjoyed them, ſhould ſtill remain in readineſs to take the field for the defence of the nation. And though the conquerors immediately ſeparated, in order to enjoy their new acquiſitions, their martial diſpoſition made them readily fulfil the terms of their engagement: They aſſembled on the firſt alarm; their habitual attachment to the chieftain made them willingly ſubmit to his command; and thus a regular military force, though concealed, was always ready to defend, on any emergence, the intereſt and honour of the community.

We are not to imagine that all the conquered lands were ſeized by the northern conquerors; or that the whole of the land thus ſeized was ſubjected to thoſe military ſervices. This ſuppoſition is con-

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futed by the hiſtory of all the nations on the continent. Even the idea given us of the German manners by the Roman hiſtorian, may convince us that that bold people would never have been content with ſo precarious a ſubſiſtence, or have fought to procure eſtabliſhments which were only to continue during the good pleaſure of their ſovereign. Though the northern chieftains accepted of lands which, being conſidered as a kind of military pay, might be reſumed at the will of the king or general; they alſo took poſſeſſion of eſtates which, being hereditary and independent, enabled them to maintain their native liberty, and ſupport, without court-favour, the honour of their rank and family.

Progreſs of the feudal law.

But there is a great difference, in the conſequences, between the diſtribution of a pecuniary ſubſiſtence, and the aſſignment of lands burthened with the condition of military ſervice. The delivery of the former at the weekly, monthly, or annual terms of payment, ſtill recalls the idea of a voluntary gratuity from the prince, and reminds the ſoldier of the precarious tenure by which he holds his commiſſion. But the attachment, naturally formed with a fixed portion of land, gradually begets the idea of ſomething like property, and makes the poſſeſſor forget his dependent ſituation, and the condition which was at firſt annexed to the grant. It ſeemed equitable, that one who had cultivated and ſowed a field ſhould reap the harveſt: Hence fiefs, which were at firſt entirely precarious, were ſoon made annual. A man who had employed his money in building, planting, or other improvements, expected to reap the fruits of his labour or expence: Hence they were next granted during a term of years. It would be thought hard to expel a man from his poſſeſſions who had always done his duty, and performed the conditions on which he originally received them: Hence the chieftains, in a ſubſequent period,

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period, thought themſelves entitled to demand the enjoyment of their feudal lands during life. It was found, that a man would more willingly expoſe himſelf in battle, if aſſured that his family ſhould inherit his poſſeſſions, and ſhould not be left by his death in want and poverty: Hence fiefs were made hereditary in families, and deſcended, during one age, to the ſon, then to the grandſon, next to the brothers, and afterwards to more diſtant relations[k]. The idea of property ſtole in gradually upon that of military pay; and each century made ſome ſenſible addition to the ſtability of fiefs and tenures.

In all theſe ſucceſſive acquiſitions, the chief was ſupported by his vaſſals; who, having originally a ſtrong connection with him, augmented by the conſtant intercourſe of good offices, and by the friendſhip ariſing from vicinity and dependance, were inclined to follow their leader againſt all his enemies, and voluntarily, in his private quarrels, paid him the ſame obedience to which, by there tenure, they were bound in foreign wars. While he daily advanced new pretenſions to ſecure the poſſeſſion of his ſuperior fief, they expected to find the ſame advantage, in acquiring ſtability to their ſubordinate ones; and they zealouſly oppoſed the intruſion of a new lord, who would be inclined, as he was fully intitled, to beſtow the poſſeſſion of their lands on his own favourites and retainers. Thus the authority of the ſovereign gradually decayed; and each noble, fortified in his own territory by the attachment of his vaſſals, became too powerful to be expelled by an order from the throne; and he ſecured by law what he had at firſt acquired by uſurpation.

During this precarious ſtate of the ſupreme power, a difference would immediately be experienced between thoſe portions of territory which

[k] Lib. Feud. lib. 1. tit. 1.

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were ſubjected to the feudal tenures, and thoſe which were poſſeſſed by an allodial or free title. Though the latter poſſeſſions had at firſt been eſteemed much preferable, they were ſoon found, by the progreſſive changes introduced into public and private law, to be of an inferior condition to the former. The poſſeſſors of a feudal territory, united by a regular ſubordination under one chief, and by the mutual attachments of the vaſſals, had the ſame advantages over the proprietors of the other, that a diſciplined army enjoys over a diſperſed multitude; and were enabled to commit with impunity all injuries on their defenceleſs neighbours. Every one, therefore, haſtened to ſeek that protection which he found ſo neceſſary; and each allodial proprietor, reſigning his poſſeſſions into the hands of the king, or of ſome nobleman reſpected for power or valour, received them back with the condition of feudal ſervices [1], which, though a burden ſomewhat grievous, brought him ample compenſation, by connecting him with the neighbouring proprietors, and placing him under the guardianſhip of a potent chieftain. The decay of the political government thus neceſſarily occaſioned the extenſion of the feudal: The kingdoms of Europe were univerſally divided into baronies, and theſe into inferior fiefs: And the attachment of vaſſals to their chief, which was at firſt an eſſential part of the German manners, was ſtill ſupported by the ſame cauſes from which it at firſt aroſe; the neceſſity of mutual protection, and the continued intercourſe, between the head and the members, of benefits and ſervices.

But there was another circumſtance which corroborated theſe feudal dependencies, and tended to connect the vaſſals with their ſuperior lord by an indiſſoluble bond of union. The northern conquerors,

[1] Marculf. Form. 47. apud Lindenbr. p. 1238.

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querors, as well as the more early Greeks and Romans, embraced a policy, which is unavoidable to all nations that have made ſlender advances in refinement: They every where united the civil juriſdiction with the military power. Law, in its commencement, was not an intricate ſcience, and was more governed by maxims of equity, which ſeem obvious to common ſenſe, than by numerous and ſubtile principles, applied to a variety of caſes by profound reaſonings from analogy. An officer, though he had paſſed his life in the field, was able to determine all legal controverſies which could occur within the diſtrict committed to his charge; and his deciſions were the moſt likely to meet with a prompt and ready obedience, from men who reſpected his perſon, and were accuſtomed to act under his command. The profit ariſing from puniſhments, which were then chiefly pecuniary, was another reaſon for his deſiring to retain the judicial power; and when his fief became hereditary, this authority, which was eſſential to it, was alſo tranſmitted to his poſterity. The counts, and other magiſtrates, whoſe power was merely official, were tempted, in imitation of the feudal lords, whom they reſembled in ſo many particulars, to render their dignity perpetual and hereditary; and in the decline of the regal power, they found no difficulty in making good their pretenſions. After this manner the vaſt fabric of feudal ſubordination became quite ſolid and comprehenſive; it formed every where an eſſential part of the political conſtitution; and the Norman and other barons, who followed the fortunes of William, were ſo accuſtomed to it, that they could ſcarcely form an idea of any other ſpecies of civil government [m].

[m] The ideas of the feudal government were ſo rooted, that even laywers, in thoſe ages, could not form a notion of any other conſtitution. *Regnum* (ſays Bracton, lib. 2, cap. 34.), *quod ex comitatibus & baronibus dicitur eſſe conſtitutum.*

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The Saxons who conquered England, as they exterminated the ancient inhabitants, and thought themſelves ſecured by the ſea againſt new invaders, found it leſs requiſite to maintain themſelves in a military poſture: The quantity of land which they annexed to offices ſeems to have been of ſmall value; aud for that reaſon continued the longer in its original ſituation, and was always poſſeſſed during pleaſure by thoſe who were intruſted with the command. Theſe conditions were too precarious to ſatisfy the Norman barons, who enjoyed more independent poſſeſſions and juriſdictions in their own country; and William was obliged, in the new diſtribution of land, to copy the tenures, which were now become univerſal on the continent. England of a ſudden became a feudal kingdom[n]; and received all the advantages, and was expoſed to all the inconveniencies, incident to that ſpecies of civil polity.

The feudal government of England.

According to the principles of the feudal law, the king was the ſupreme lord of the landed property: All poſſeſſors, who enjoyed the fruits or revenue of any part of it, held thoſe privileges, either mediately or immediately, of him; and their property was conceived to be, in ſome degree, conditional[o]. The land was ſtill apprehended to be a ſpecies of *benefice*, which was the original conception of a feudal property; and the vaſſal owed, in return for it, ſtated ſervices to his baron, as the baron himſelf did for his land to the crown. The vaſſal was obliged to defend his baron in war; and the baron, at the head of his vaſſals, was bound to fight in defence of the king and kingdom. But beſides theſe military ſervices, which were caſual, there were others impoſed of a civil nature, which were more conſtant and durable.

[n] Coke Comm. on Lit. p. 1, 2. ad ſect. 1.
[o] Somner of Gavelk. p. 109. Smith de Rep. lib. 3. cap. 10.

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THE northern nations had no idea, that any man, trained up to honour, and inured to arms, was ever to be governed, without his own consent, by the absolute will of another; or that the administration of justice was ever to be exercised by the private opinion of any one magistrate, without the concurrence of some other persons, whose interest might induce them to check his arbitrary and iniquitous decisions. The king, therefore, when he found it necessary to demand any service of his barons or chief tenants, beyond what was due by their tenures, was obliged to assemble them, in order to obtain their *consent:* And when it was necessary to determine any controversy which might arise among the barons themselves, the question must be discussed in their presence, and be decided according to their opinion or *advice*. In these two circumstances of consent and advice, consisted chiefly the civil services of the ancient barons; and these implied all the considerable incidents of government. In one view the barons regarded this attendance as their principal *privilege*; in another, as a grievous *burden*. That no momentous affairs could be transacted without their consent and advice, was in general esteemed the great security of their possessions and dignities: But as they reaped no immediate profit from their attendance at court, and were exposed to great inconvenience and charge by an absence from their own estates, every one was glad to exempt himself from each *particular* exertion of this power; and was pleased both that the call for that duty should seldom return upon him, and that others should undergo the burden in his stead. The king, on the other hand, was usually anxious, for several reasons, that the assembly of the barons should be full at every stated or casual meeting: This attendance was the chief badge of their subordination to his crown, and drew them from that independence which they were apt to affect in their

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own castles and manors; and where the meeting was thin or ill attended, its determinations had less authority, and commanded not so ready an obedience from the whole community.

The case was the same with the barons in their courts, as with the king in the supreme council of the nation. It was requisite to assemble the vassals, in order to determine by their vote any question which regarded the barony; and they sat along with the chief in all trials, whether civil or criminal, which occurred within the limits of their jurisdiction. They were bound to pay suit and service at the court of their baron; and as their tenure was military, and consequently honourable, they were admitted into his society, and partook of his friendship. Thus, a kingdom was considered only as a great barony, and a barony as a small kingdom. The barons were peers to each other in the national council, and, in some degree, companions to the king: The vassals were peers to each other in the court of barony, and companions to their baron [p].

But though this resemblance so far took place, the vassals, by the natural course of things, universally, in the feudal constitutions, fell into a greater subordination under the baron, than the baron himself under his sovereign; and these governments had a necessary and infallible tendency to augment the power of the nobles. The great chief, residing in his country-seat, which he was commonly allowed to fortify, lost, in a great measure, his connection or acquaintance with the prince; and added every day new force to his authority over the vassals of the barony. They received from him education in all military exercises: His hospitality invited them to live and enjoy society in his hall: Their leisure, which was great, made them perpetual retainers on his person, and partakers of his

p Du Cang. Gloss. in verb. *Par.* Cujac. Commun. in Lib. Feud. lib. i. tit. p. 18. Spelm. Gloss. in verb.

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country ſports and amuſements: They had no means of gratifying their ambition but by making a figure in his train: His favour and countenance was their greateſt honour: His diſpleaſure expoſed them to contempt and ignominy: And they felt every moment the neceſſity of his protection, both in the controverſies which occurred with other vaſſals, and, what was more material, in the daily inroads and injuries which were committed by the neighbouring barons. During the time of general war, the ſovereign, who marched at the head of his armies, and was the great protector of the ſtate, always acquired ſome acceſſion to his authority, which he loſt during the intervals of peace and tranquillity: But the looſe police, incident to the feudal conſtitutions, maintained a perpetual, though ſecret hoſtility, between the ſeveral members of the ſtate; and the vaſſals found no means of ſecuring themſelves againſt the injuries to which they were continually expoſed, but by cloſely adhering to their chief, and falling into a ſubmiſſive dependence upon him.

If the feudal government was ſo little favourable to the true liberty even of the military vaſſal, it was ſtill more deſtructive of the independence and ſecurity of the other members of the ſtate, or what, in a proper ſenſe, we call the people. A great part of them were *ſerfs*, and lived in a ſtate of abſolute ſlavery or villainage: The other inhabitants of the country paid their rent in ſervices, which were in a great meaſure arbitrary; and they could expect no redreſs of injuries, in a court of barony, from men who thought they had a right to oppreſs and tyranniſe over them: The towns were ſituated either within the demeſnes of the king or the lands of the great barons, and were almoſt entirely ſubjected to the abſolute will of their maſter. The languiſhing ſtate of commerce kept the inhabitants poor and contemptible; and the political inſtitutions were calculated to render that poverty perpetual. The barons

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rons and gentry, living in ruſtic plenty and hoſpitality, gave no encouragement to the arts, and had no demand for any of the more elaborate manufactures: Every profeſſion was held in contempt but that of arms: And if any merchant or manufacturer roſe by induſtry and frugality to a degree of opulence, he found himſelf but the more expoſed to injuries, from the envy and avidity of the military nobles.

These concurring cauſes gave the feudal governments ſo ſtrong a bias towards ariſtocracy, that the royal authority was extremely eclipſed in all the European ſtates; and, inſtead of dreading the growth of monarchical power, we might rather expect that the community would every where crumble into ſo many independent baronies, and loſe the political union by which they were cemented. In elective monarchies, the event was commonly anſwerable to this expectation; and the barons, gaining ground on every vacancy of the throne, raiſed themſelves almoſt to a ſtate of ſovereignty, and ſacrificed to their power both the rights of the crown and the liberties of the people. But hereditary monarchies had a principle of authority which was not ſo eaſily ſubverted; and there were ſeveral cauſes which ſtill maintained a degree of influence in the hands of the ſovereign.

The greateſt baron could never loſe view entirely of thoſe principles of the feudal conſtitution which bound him, as a vaſſal, to ſubmiſſion and fealty towards his prince; becauſe he was every moment obliged to have recourſe to thoſe principles, in exacting fealty and ſubmiſſion from his own vaſſals. The leſſer barons, finding that the annihilation of royal authority left them expoſed, without protection, to the inſults and injuries of more potent neighbours, naturally adhered to the crown, and promoted the execution of general and equal laws. The people had ſtill a ſtronger intereſt to deſire the grandeur of the ſovereign; and the king, being the legal magiſtrate,

magiſtrate, who ſuffered by every internal convulſion or oppreſſion, and who regarded the great nobles as his immediate rivals, aſſumed the ſalutary office of general guardian or protector of the commons. Beſides the prerogatives with which the law inveſted him, his large demeſnes and numerous retainers rendered him, in one ſenſe, the greateſt baron in his kingdom; and where he was poſſeſſed of perſonal vigour and abilities (for his ſituation required theſe advantages), he was commonly able to preſerve his authority, and maintain his ſtation as head of the community, and the chief fountain of law and juſtice.

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THE firſt kings of the Norman race were favoured by another circumſtance, which preſerved them from the encroachments of their barons. They were generals of a conquering army, which was obliged to continue in a military poſture, and to maintain great ſubordination under their leader, in order to ſecure themſelves from the revolt of the numerous natives, whom they had bereaved of all their properties and privileges. But though this circumſtance ſupported the authority of William and his immediate ſucceſſors, and rendered them extremely abſolute, it was loſt as ſoon as the Norman barons began to incorporate with the nation, to acquire a ſecurity in their poſſeſſions, and to fix their influence over their vaſſals, tenants, and ſlaves. And the immenſe fortunes which the Conqueror had beſtowed on his chief captains, ſerved to ſupport their independence, and make them formidable to the ſovereign.

HE gave, for inſtance, to Hugh de Abrincis, his ſiſter's ſon, the whole county of Cheſter, which he erected into a palatinate, and rendered by his grant almoſt independent of the crown[q]. Robert earl of Mortaigne had 973 manors and lordſhips: Allan earl of Britanny and Richmond 442: Odo biſhop

[q] Camd. in Cheſh. Spel. Gloſſ. in verb. *Comes Palatinus*.

of Baïeux 439[r]: Geoffrey biſhop of Coutance 280[s]: Walter Giffard earl of Buckingham 107: William earl Warrenne 298, beſides 28 towns or hamlets in Yorkſhire: Todenei 81: Roger Bigod 123: Robert earl of Eu 119: Roger Mortimer 132, beſides ſeveral hamlets: Robert de Stafford 130: Walter de Eurus earl of Saliſbury 46: Geoffrey de Mandeville 118: Richard de Clare 171: Hugh de Beauchamp 47: Baldwin de Ridvers 164: Henry de Ferrars 222: William de Percy 119[t]: Norman d'Arcy 33[u]. Sir Henry Spelman computes, that, in the large county of Norfolk, there were not, in the Conqueror's time, above ſixty-ſix proprietors of land[w]. Men, poſſeſſed of ſuch princely revenues and juriſdictions, could not long be retained in the rank of ſubjects. The great earl Warrenne, in a ſubſequent reign, when he was queſtioned concerning his right to the lands which he poſſeſſed, drew his ſword, which he produced as his title; adding, that William the Baſtard did not conquer the kingdom himſelf; but that the barons, and his anceſtor among the reſt, were joint-adventurers in the enterpriſe[x].

The feudal parliament.

THE ſupreme legiſlative power of England was lodged in the king and great council, or what was afterwards called the parliament. It is not doubted but the archbiſhops, biſhops, and moſt conſiderable abbots, were conſtituent members of this council. They ſat by a double title: By preſcription, as having always poſſeſſed that privilege, through the whole Saxon period, from the firſt eſtabliſhment of Chriſtianity; and by their right of baronage, as holding of the king *in capite* by military ſervice.

[r] Brady's Hiſt. p. 198. 200. [s] Order. Vital.
[t] Dugdale's Baronage, from Domeſday Book, vol. i. p. 60. 74. iii. 112. 132. 136. 138. 156. 174. 200. 207. 223. 254. 257. 269.
[u] Ibid. p. 369. It is remarkable that this family of d'Arcy ſeems to be the only male deſcendants of any of the Conqueror's barons now remaining among the peers. Lord Holderneſſe is the heir of that family. [w] Spel. Gloſſ. in verb. *Domeſday*. [x] Dug. Bar. vol. i. p. 79. Ibid. Origines Juridicales, p. 13.

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These two titles of the prelates were never accurately distinguished. When the usurpations of the church had risen to such a height, as to make the bishops affect a separate dominion, and regard their seat in parliament as a degradation of their episcopal dignity; the king insisted that they were barons, and, on that account, obliged by the general principles of the feudal law, to attend on him in his great councils [y]. Yet there still remained some practices, which supposed their title to be derived merely from ancient possession: When a bishop was elected, he sat in parliament before the king had made him restitution of his temporalties; and during the vacancy of a see, the guardian of the spiritualties was summoned to attend along with the bishops. Appendix II.

THE barons were another constituent part of the great council of the nation. These held immediately of the crown by a military tenure: They were the most honourable members of the state, and had a *right* to be consulted in all public deliberations: They were the immediate vassals of the crown, and owed as a *service* their attendance in the court of their supreme lord. A resolution taken without their consent was likely to be but ill executed: And no determination of any cause or controversy among them had any validity, where the vote and advice of the body did not concur. The dignity of earl or count was official and territorial, as well as hereditary; and as all the earls were also barons, they were considered as military vassals of the crown, were admitted in that capacity into the general council, and formed the most honourable and powerful branch of it.

BUT there was another class of the immediate military tenants of the crown, no less, or probably more, numerous than the barons, the tenants *in*

y Spel. Gloss. in verb. *Baro*.

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capite by knights ſervice; and theſe, however inferior in power or property, held by a tenure which was equally honourable with that of the others. A barony was commonly compoſed of ſeveral knights fees: And though the number ſeems not to have been exactly defined, ſeldom conſiſted of leſs than fifty hydes of land[z]: But where a man held of the king only one or two knights fees, he was ſtill an immediate vaſſal of the crown, and as ſuch had a title to have a ſeat in the general councils. But as this attendance was uſually eſteemed a burthen, and one too great for a man of ſlender fortune to bear conſtantly; it is probable that, though he had a title, if he pleaſed, to be admitted, he was not obliged, by any penalty, like the barons, to pay a regular attendance. All the immediate military tenants of the crown amounted not fully to 700, when Domeſday-book was framed; and as the members were well pleaſed, on any pretext, to excuſe themſelves from attendance, the aſſembly was never likely to become too numerous for the diſpatch of public buſineſs.

The commons.

So far the nature of a general council, or ancient parliament, is determined without any doubt or controverſy. The only queſtion ſeems to be with regard to the commons, or the repreſentatives of counties and boroughs; whether they were alſo, in more early times, conſtituent parts of parliament? This queſtion was once diſputed in England with great acrimony: But ſuch is the force of time and evidence, that they can ſometimes prevail even over faction; and the queſtion ſeems, by general conſent, and even by their own, to be at laſt determined againſt the ruling party. It is agreed, that the

[z] Four hydes made one knight's fee: the relief of a barony was twelve times greater than that of a knight's fee; whence we may conjecture its uſual value. Spelm. Gloſſ. in verb. *Feodum*. There were 243,600 hydes in England, and 60,215 knights fees; whence it is evident that there were a little more than four hydes in each knight's fee.

commons

commons were no part of the great council, till ſome ages after the Conqueſt; and that the military tenants alone of the crown compoſed that ſupreme and legiſlative aſſembly. Appendix II.

The vaſſals of a baron were by their tenure immediately dependant on him, owed attendance at his court, and paid all their duty to the king, through that dependance which their lord was obliged by *his* tenure to acknowledge to his ſovereign and ſuperior. Their land, comprehended in the barony, was repreſented in parliament by the baron himſelf, who was ſuppoſed, according to the fictions of the feudal law, to poſſeſs the direct property of it, and it would have been deemed incongruous to give it any other repreſentation. They ſtood in the ſame capacity to him, that he and the other barons did to the king: The former were peers of the barony; the latter were peers of the realm: The vaſſals poſſeſſed a ſubordinate rank within their diſtrict; the baron enjoyed a ſuperior dignity in the great aſſembly: They were in ſome degree his companions at home; he the king's companion at court: And nothing can be more evidently repugnant to all feudal ideas, and to that gradual ſubordination which was eſſential to thoſe ancient inſtitutions, than to imagine that the king would apply either for the advice or conſent of men, who were of a rank ſo much inferior, and whoſe duty was immediately paid to the *meſne* lord that was interpoſed between them and the throne[a].

If it be unreaſonable to think that the vaſſals of a barony, though their tenure was military and noble and honourable, were ever ſummoned to give their opinion in national councils, much leſs can it be ſuppoſed, that the tradeſmen or inhabitants of boroughs, whoſe condition was ſo much inferior, would be admitted to that privilege. It appears

[a] Spelm. Gloſſ. in verb. *Baro*.

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from Domesday, that the greatest boroughs were, a the time of the Conquest, scarcely more than country villages; and that the inhabitants lived in entire dependance on the king or great lords, and were of a station little better than servile [b]. They were not then so much as incorporated; they formed no community; were not regarded as a body politic; and being really nothing but a number of low dependent tradesmen, living without any particular civil tie, in neighbourhood together, they were incapable of being represented in the states of the kingdom. Even in France, a country which made more early advances in arts and civility than in England, the first corporation is sixty years posterior to the conquest under the duke of Normandy; and the erecting of these communities was an invention of Lewis the Gross, in order to free the people from slavery under the lords, and to give them protection by means of certain privileges and a separate jurisdiction [c]. An ancient French writer calls them a new and wicked device, to procure liberty to slaves, and encourage them in shaking off the dominion of their masters [d]. The famous charter, as it is called, of the Conqueror to the city of London, though granted at a time when he assumed the appearance of gentleness and lenity, is nothing but a letter of protection, and a declaration that the citizens should not be treated as slaves [e]. By the English feudal law, the superior lord was prohibited from marrying his female ward to a burgess or a villain [f]; so near were these two ranks esteemed to each other, and so much inferior to the nobility and gentry. Besides possessing the advantages of birth, riches, civil powers and privileges, the nobles and gentlemen alone were armed, a circumstance which gave

[b] *Liber homo* anciently signified a gentleman: For scarce any one beside was entirely free. Spelm. Gloss. in verbo. [c] Du Cange's Gloss. in verb. *Commune, Communitas.* [d] Guiburtus de vita sua, lib. ii. cap. 7. [e] Stat. of Merton, 1235. cap. 6. [f] Holingshed, vol. iii. p. 15.

them a mighty ſuperiority, in an age when nothing but the military profeſſion was honourable, and when the looſe execution of laws gave ſo much encouragement to open violence, and rendered it ſo deciſive in all diſputes and controverſies [g].

THE great ſimilarity among the feudal governments of Europe is well known to every man that has any acquaintance with ancient hiſtory; and the antiquaries of all foreign countries, where the queſtion was never embarraſſed by party diſputes, have allowed, that the commons came very late to be admitted to a ſhare in the legiſlative power. In Normandy particularly, whoſe conſtitution was moſt likely to be William's model in raiſing his new fabric of Engliſh government, the ſtates were entirely compoſed of the clergy and nobility; and the firſt incorporated boroughs or communities of that dutchy were Roüen and Falaiſe, which enjoyed their privileges by a grant of Philip Auguſtus in the year 1207 [h]. All the ancient Engliſh hiſtorians, when they mention the great council of the nation, call it an aſſembly of the baronage, nobility, or great men; and none of their expreſſions, though ſeveral hundred paſſages might be produced, can, without the utmoſt violence, be tortured to a meaning which will admit the commons to be conſtituent members of that body [i]. If in the long period of 200 years,

[g] Madox's Baron. Angl. p. 19.

[h] Norman. Du Cheſnii, p. 1066. Du Cange, Gloſſ. in verb. *Commune*.

[i] Sometimes the hiſtorians mention the people, *populus*, as a part of the parliament; but they always mean the laity, in oppoſition to the clergy. Sometimes the word *communitas* is found: but it always means *communitas baronagii*. Theſe points are clearly proved by Dr. Brady. There is alſo mention ſometimes made of a crowd or multitude that thronged into the great council on particular intereſting occaſions; but as deputies from boroughs are never once ſpoke of, the proof, that they had not then any exiſtence, becomes the more certain and undeniable. Theſe never could make a crowd, as they muſt have had a regular place aſſigned them, if they had made a regular part of the legiſlative body. There were only 130 boroughs who received writs of ſummons from Edward I. It is expreſsly ſaid in Geſta Reg. Steph. p. 932. that it was uſual for the populace, *vulgus*, to crowd into the great councils; where they were plainly mere ſpectators, and could only gratify their curioſity.

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which elapſed between the Conqueſt and the latter end of Henry III. and which abounded in factions, revolutions, and convulſions of all kinds, the houſe of commons never performed one ſingle legiſlative act ſo conſiderable as to be once mentioned by any of the numerous hiſtorians of that age, they muſt have been totally inſignificant: And in that caſe, what reaſon can be aſſigned for their ever being aſſembled? Can it be ſuppoſed, that men of ſo little weight or importance poſſeſſed a negative voice againſt the king and the barons? Every page of the ſubſequent hiſtories diſcovers their exiſtence; though theſe hiſtories are not written with greater accuracy than the preceding ones, and indeed ſcarcely equal them in that particular. The *Magna Charta* of king John provides, that no ſcutage or aid ſhould be impoſed, either on the land or towns, but by conſent of the great council; and for more ſecurity, it enumerates the perſons entitled to a ſeat in that aſſembly, the prelates and immediate tenants of the crown, without any mention of the commons: An authority ſo full, certain, and explicit, that nothing but the zeal of party could ever have procured credit to any contrary hypotheſis.

It was probably the example of the French barons which firſt emboldened the Engliſh to require greater independence from their ſovereign: It is alſo probable, that the boroughs and corporations of England were eſtabliſhed in imitation of thoſe of France. It may, therefore, be propoſed as no unlikely conjecture, that both the chief privileges of the peers in England and the liberty of the commons were originally the growth of that foreign country.

In ancient times, men were little ſolicitous to obtain a place in the legiſlative aſſemblies; and rather regarded their attendance as a burden, which was not compenſated by any return of profit or honour proportionate to the trouble and expence. The only reaſon for inſtituting thoſe public councils was, on the

the part of the ſubject, that they deſired ſome ſecurity from the attempts of arbitrary power; and on the part of the ſovereign, that he deſpaired of governing men of ſuch independent ſpirits without their own conſent and concurrence. But the commons, or the inhabitants of boroughs, had not as yet reached ſuch a degree of conſideration as to deſire *ſecurity* againſt their prince, or to imagine, that even if they were aſſembled in a repreſentative body, they had power or rank ſufficient to enforce it. The only protection which they aſpired to, was againſt the immediate violence and injuſtice of their fellow-citizens; and this advantage each of them looked for from the courts of juſtice, or from the authority of ſome great lord, to whom, by law or his own choice, he was attached. On the other hand, the ſovereign was ſufficiently aſſured of obedience in the whole community, if he procured the concurrence of the nobles; nor had he reaſon to apprehend that any order of the ſtate could reſiſt his and their united authority. The military ſub-vaſſals could entertain no idea of oppoſing both their prince and their ſuperiors: The burgeſſes and tradeſmen could much leſs aſpire to ſuch a thought: And thus, even if hiſtory were ſilent on the head, we have reaſon to conclude, from the known ſituation of ſociety during thoſe ages, that the commons were never admitted as members of the legiſlative body.

THE *executive* power of the Anglo-Norman government was lodged in the king. Beſides the ſtated meetings of the national council at the three great feſtivals of Chriſtmas, Eaſter, and Whitſuntide [1], he was accuſtomed, on any ſudden exigence, to ſummon them together. He could at his pleaſure command the attendance of his barons and their vaſſals, in which conſiſted the military force of the kingdom; and could employ them, during forty days,

[1] Dugd. Orig. Jurid. p. 15. Spelm. Gloſſ. in verbo *Parliamentum*.

either

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either in resisting a foreign enemy, or reducing his rebellious subjects. And, what was of great importance, the whole *judicial* power was ultimately in his hands, and was exercised by officers and ministers of his appointment.

Judicial power.

THE general plan of the Anglo-Norman government was, that the court of barony was appointed to decide such controversies as arose between the several vassals or subjects of the same barony; the hundred-court and county-court, which were still continued as during the Saxon times [m], to judge between the subjects of different baronies [n]; and the *curia regis*, or king's court, to give sentence among the barons themselves [o]. But this plan, though simple, was attended with some circumstances which, being derived from a very extensive authority assumed by the Conqueror, contributed to increase the royal prerogative; and as long as the state was not disturbed by arms, reduced every order of the community to some degree of dependance and subordination.

THE king himself often sat in his court, which always attended his person [p]: He there heard causes and pronounced judgment [q]; and though he was

[m] Ang. Sacra. vol. i. p. 334, &c. Dugd. Orig. Jurid. p. 27. 29. Madox Hist. of Exch. p. 75, 76. Spelm. Gloss. in verbo *Hundred*.

[n] None of the feudal governments in Europe had such institutions as the county courts, which the great authority of the Conqueror still retained from the Saxon customs. All the freeholders of the county, even the greatest barons, were obliged to attend the sheriffs in these courts, and to assist them in the administration of justice. By these means they received frequent and sensible admonitions of their dependance on the king or supreme magistrate: They formed a kind of community with their fellow barons and freeholders: They were often drawn from their individual and independent state, peculiar to the feudal system; and were made members of a political body: And, perhaps, this institution of county courts in England has had greater effects on the government than has yet been distinctly pointed out by historians, or traced by antiquaries. The barons were never able to free themselves from this attendance on the sheriffs and itinerant justices till the reign of Henry III.

[o] Brady, Pref. p. 143.

[p] Madox Hist. of Exch. p. 103.

[q] Bracton, lib. iii. cap. 9. § 1. cap. 10. § 1.

assisted

assisted by the advice of the other members, it is not to be imagined that a decision could easily be obtained contrary to his inclination or opinion. In his absence the chief justiciary presided, who was the first magistrate in the state, and a kind of viceroy, on whom depended all the civil affairs of the kingdom [r]. The other chief officers of the crown, the constable, mareschal, seneschal, chamberlain, treasurer, and chancellor [s], were members, together with such feudal barons as thought proper to attend, and the barons of the Exchequer, who at first were also feudal barons appointed by the king [t]. This court, which was sometimes called the king's court, sometimes the court of Exchequer, judged in all causes, civil and criminal, and comprehended the whole business which is now shared out among four courts, the Chancery, the King's Bench, the Common Pleas, and the Exchequer [u].

Such an accumulation of powers was itself a great source of authority, and rendered the jurisdiction of the court formidable to all the subjects; but the turn which judicial trials took soon after the Conquest, served still more to increase its authority, and to augment the royal prerogatives. William, among the other violent changes which he attempted and effected, had introduced the Norman law into England [w], had ordered all the pleadings to be in that tongue, and had interwoven, with the English jurisprudence, all the maxims and principles which the Normans, more advanced in cultivation, and naturally litigious, were accustomed to observe in the distribution of justice. Law now became a science, which at first fell entirely into the hands of the

[r] Spelm. Gloss. in verbo *Justiciarii*. [s] Madox Hist. Exch. p. 27. 29. 33. 38. 41. 54. The Normans introduced the practice of sealing charters; and the chancellor's office was to keep the Great Seal. *Ingulph: Dugd.* p. 33, 34. [t] Madox Hist. of the Exch p. 134, 135. Gerv. Dorob. p. 1387. [u] Madox Hist. of the Exch. p. 56. 70. [w] Dial. de Scac. p. 30. apud Madox Hist. of the Exchequer.

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Normans; and which, even after it was communicated to the English, required ſo much ſtudy and application, that the laity, in thoſe ignorant ages, were incapable of attaining it, and it was a myſtery almoſt ſolely confined to the clergy, and chiefly to the monks[x]. The great officers of the crown, and the feudal barons, who were military men, found themſelves unfit to penetrate into thoſe obſcurities; and though they were entitled to a ſeat in the ſupreme judicature, the buſineſs of the court was wholly managed by the chief juſticiary and the law barons, who were men appointed by the king, and entirely at his diſpoſal[y]. This natural courſe of things was forwarded by the multiplicity of buſineſs which flowed into that court, and which daily augmented by the appeals from all the ſubordinate judicatures of the kingdom.

In the Saxon times, no appeal was received in the king's court, except upon the denial or delay of juſtice by the inferior courts; and the ſame practice was ſtill obſerved in moſt of the feudal kingdoms of Europe. But the great power of the Conqueror eſtabliſhed at firſt in England an authority which the monarchs in France were not able to attain till the reign of St. Lewis, who lived near two centuries after: He empowered his court to receive appeals both from the courts of barony and the county-courts, and by that means brought the adminiſtration of juſtice ultimately into the hands of the ſovereign[z]. And leſt the expence or trouble of a journey to court ſhould diſcourage ſuitors, and make them acquieſce in the deciſion of the inferior judicatures, itinerant judges were afterwards eſtabliſhed, who made their circuits throughout the kingdom,

[x] Malmeſ. lib. 4. p. 123. [y] Dugd. Orig. Jurid. p. 25.
[z] Madox Hiſt. of the Exch. p. 65. Glanv. lib. 12. cap. 1. 7. LL. Hen. I. § 31. apud Wilkins, p. 248. Fitz-Stephens, p. 36. Coke's Comment on the ſtatute of Marlbridge, cap. 20.

and

and tried all causes that were brought before them[a]. By this expedient the courts of barony were kept in awe; and if they still preserved some influence, it was only from the apprehensions which the vassals might entertain of disobliging their superior, by appealing from his jurisdiction. But the county-courts were much discredited; and as the freeholders were found ignorant of the intricate principles and forms of the new law, the lawyers gradually brought all business before the king's judges, and abandoned the ancient simple and popular judicature. After this manner the formalities of justice, which, though they appear tedious and cumbersome, are found requisite to the support of liberty in all monarchical governments, proved at first, by a combination of causes, very advantageous to royal authority in England. Appendix II.

Revenue of the crown.

THE power of the Norman kings was also much supported by a great revenue; and by a revenue that was fixed, perpetual, and independent of the subject. The people, without betaking themselves to arms, had no check upon the king, and no regular security for the due administration of justice. In those days of violence, many instances of oppression passed unheeded; and soon after were openly pleaded as precedents, which it was unlawful to dispute or control. Princes and ministers were too ignorant to be themselves sensible of the advantages attending an equitable administration; and there was no established council or assembly which could protect the people, and, by withdrawing supplies, regularly and peaceably admonish the king of his duty, and ensure the execution of the laws.

[a] Madox Hist. of the Exch. p. 83, 84. 100. Gerv. Dorob. p. 1410. What made the Anglo-Norman barons more readily submit to appeals from their court to the king's court of Exchequer, was their being accustomed to like appeals in Normandy to the ducal court of Exchequer. See Gilbert's History of the Exchequer, p. 1, 2; though the author thinks it doubtful whether the Norman court was not rather copied from the English, p. 6.

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THE first branch of the king's ſtated revenue was the royal demeſnes or crown lands, which were very extenſive, and comprehended, beſide a great number of manors, moſt of the chief cities of the kingdom. It was eſtabliſhed by law, that the king could alienate no part of his demeſne, and that he himſelf or his ſucceſſor could at any time reſume ſuch donations [b]: But this law was never regularly obſerved; which happily rendered in time the crown ſomewhat more dependant. The rent of the crown-lands, conſidered merely as ſo much riches, was a ſource of power: The influence of the king over his tenants and the inhabitants of his towns, increaſed this power: But the other numerous branches of his revenue, beſides ſupplying his treaſury, gave, by their very nature, a great latitude to arbitrary authority, and were a ſupport of the prerogative; as will appear from an enumeration of them.

THE king was never content with the ſtated rents, but levied heavy talliages at pleaſure on the inhabitants both of town and country, who lived within his demeſne. All bargains of ſale, in order to prevent theft, being prohibited, except in boroughs and public markets [c], he pretended to exact tolls on all goods which were there ſold [d]. He ſeized two hogſheads, one before and one behind the maſt, from every veſſel that imported wine. All goods paid to his cuſtoms a proportional part of their value [e]: Paſſage over bridges and on rivers was loaded with tolls at pleaſure [f]: And though the boroughs by degrees bought the liberty of farming theſe impoſitions, yet the revenue profited by theſe bargains; new ſums were often exacted for the renewal and confirmation of their charters [g], and the people were thus held in perpetual dependance.

b Fleta, lib. 1. cap. 8. § 17. lib. 3. cap. 6. § 3. Bracton, lib. 2. cap. 5. c LL. Will. I. cap. 61. d Madox, p. 530.
e Ibid. p. 529. This author ſays a fifteenth. But it is not eaſy to reconcile this account to other authorities. f Madox, p. 529.
g Madox's Hiſt. of the Exch. p. 275, 276, 277, &c.

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Such was the ſituation of the inhabitants within the royal demeſnes. But the poſſeſſors of land, or the military tenants, though they were better protected both by law, and by the great privilege of carrying arms, were, from the nature of their tenures, much expoſed to the inroads of power, and poſſeſſed not what we ſhould eſteem, in our age, a very durable ſecurity. The Conqueror ordained that the barons ſhould be obliged to pay nothing beyond their ſtated ſervices [g], except a reaſonable aid to ranſom his perſon if he were taken in war, to make his eldeſt ſon a knight, and to marry his eldeſt daughter. What ſhould on theſe occaſions be deemed a reaſonable aid, was not determined; and the demands of the crown were ſo far diſcretionary.

The king could require in war the perſonal attendance of his vaſſals, that is, of almoſt all the landed proprietors; and if they declined the ſervice, they were obliged to pay him a compoſition in money, which was called a ſcutage. The ſum was, during ſome reigns, precarious and uncertain; it was ſometimes levied without allowing the vaſſal the liberty of perſonal ſervice [h]; and it was a uſual artifice of the king's to pretend an expedition, that he might be entitled to levy the ſcutage from his military tenants. Danegelt was another ſpecies of land-tax levied by the early Norman kings, arbitrarily, and contrary to the laws of the Conqueror [i]. Moneyage was alſo a general land-tax of the ſame nature, levied by the two firſt Norman kings, and aboliſhed by the charter of Henry I [k]. It was a ſhilling paid every three years by each hearth, to induce the king not to uſe his prerogative in debaſing the coin. Indeed it appears from that charter, that though the Conqueror had granted his military tenants an immunity from all taxes and talliages, he and his ſon William had never thought themſelves bound to

[g] LL. Will. Conq. § 55.
[h] Gervaſe de Tilbury, p. 25.
[i] Madox's Hiſt. of the Exch. p. 475.
[k] Matth. Paris, p. 38.

obſerve

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observe that rule, but had levied impositions at pleasure on all the landed estates of the kingdom. The utmost that Henry grants is, that the land cultivated by the military tenant himself shall not be so burdened; but he reserves the power of taxing the farmers: And as it is known that Henry's charter was never observed in any one article, we may be assured that this prince and his successors retracted even this small indulgence, and levied arbitrary impositions on all the lands of all their subjects. These taxes were sometimes very heavy; since Malmesbury tells us, that in the reign of William Rufus, the farmers, on account of them, abandoned tillage, and a famine ensued [l].

The escheats were a great branch both of power and of revenue, especially during the first reigns after the Conquest. In default of posterity from the first baron, his land reverted to the crown, and continually augmented the king's possessions. The prince had indeed by law a power of alienating these escheats; but by this means he had an opportunity of establishing the fortunes of his friends and servants, and thereby enlarging his authority. Sometimes he retained them in his own hands; and they were gradually confounded with the royal demesnes, and became difficult to be distinguished from them. This confusion is probably the reason why the king acquired the right of alienating his demesnes.

But besides escheats from default of heirs, those which ensued from crimes, or breach of duty towards the superior lord, were frequent in ancient times. If the vassal, being thrice summoned to attend his superior's court, and do fealty, neglected or refused obedience, he forfeited all title to his land [m]. If he denied his tenure, or refused his service, he was

[l] So also Chron. Abb. St. Petri de Burgo, p. 55. Knyghton, p. 2366. [m] Hottom. de Feud. Disp. cap. 38. col. 886.

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exposed to the same penalty [n]. If he sold his estate without licence from his lord [o], or if he sold it upon any other tenure or title than that by which he himself held it [p], he lost all right to it. The adhering to his lord's enemies [q], deserting him in war [r], betraying his secrets [s], debauching his wife or his near relations [t], or even using indecent freedoms with them [u], might be punished by forfeiture. The higher crimes, rapes, robbery, murder, arson, &c. were called felony; and being interpreted want of fidelity to his lord, made him lose his fief [w]. Even where the felon was vassal to a baron, though his immediate lord enjoyed the forfeiture, the king might retain possession of his estate during a twelvemonth, and had the right of spoiling and destroying it, unless the baron paid him a reasonable composition [x]. We have not here enumerated all the species of felonies, or of crimes by which forfeiture was incurred: We have said enough to prove, that the possession of feudal property was anciently somewhat precarious, and that the primary idea was never lost, of its being a kind of *fee* or *benefice*.

When a baron died, the king immediately took possession of the estate; and the heir, before he recovered his right, was obliged to make application to the crown, and desire that he might be admitted to do homage for his land, and pay a composition to the king. This composition was not at first fixed by law, at least by practice: The king was often exorbitant in his demands, and kept possession of the land till they were complied with.

If the heir were a minor, the king retained the whole profit of the estate till his majority; and might grant what sum he thought proper for the education

[n] Lib. Feud. lib. 3. tit. 1. 4. tit. lib. 21. 39. [o] Id. lib. 1. tit. 21. [p] Id. lib. 4. tit. 44. [q] Id. lib. 3 tit. 1. [r] Id. lib. 4. tit. 14. 21. [s] Id. lib. 4. tit. 14. [t] Id. lib. 1. tit. 14. 21. [u] Id. lib. 1. tit. 1. [w] Spelm. Gloss. in verb. *Felonia*. [x] Spelm. Gloss. in verb. *Felonia*. Glanville, lib. 7. cap. 17.

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and maintenance of the young baron. This practice was alſo founded on the notion that a fief was a benefice, and that while the heir could not perform his military ſervices, the revenue devolved to the ſuperior, who employed another in his ſtead. It is obvious, that a great proportion of the landed property muſt, by means of this device, be continually in the hands of the prince, and that all the noble families were thereby held in perpetual dependance. When the king granted the wardſhip of a rich heir to any one, he had the opportunity of enriching a favourite or miniſter: If he ſold it, he thereby levied a conſiderable ſum of money. Simon de Mountfort paid Henry III. 10,000 marks, an immenſe ſum in thoſe days, for the wardſhip of Gilbert de Umfreville [y]. Geoffrey de Mandeville paid to the ſame prince the ſum of 20,000 marks, that he might marry Iſabel counteſs of Glouceſter, and poſſeſs all her lands and knights fees. This ſum would be equivalent to 300,000, perhaps 400,000 pounds in our time [z].

If the heir were a female, the king was entitled to offer her any huſband of her rank he thought proper; and if ſhe refuſed him, ſhe forfeited her land. Even a male heir could not marry without the royal conſent; and it was uſual for men to pay large ſums for the liberty of making their own choice in marriage [a]. No man could diſpoſe of his land, either by ſale or will, without the conſent of his ſuperior. The poſſeſſor was never conſidered as full proprietor: He was ſtill a kind of beneficiary; and could not oblige his ſuperior to accept of any vaſſal that was not agreeable to him.

Fines, amerciaments, and oblatas, as they were called, were another conſiderable branch of the royal power and revenue. The ancient records of the exchequer, which are ſtill preſerved, give ſurpriſing

[y] Madox's Hiſt. of the Exch. p. 223. [z] Id. p. 322.
[a] Id. p. 320.

accounts

accounts of the numerous fines and amerciaments levied in thoſe days [b], and of the ſtrange inventions fallen upon to exact money from the ſubject. It appears that the ancient kings of England put themſelves entirely on the foot of the barbarous eaſtern princes, whom no man muſt approach without a preſent, who ſell all their good offices, and who intrude themſelves into every buſineſs that they may have a pretence for extorting money. Even juſtice was avowedly bought and ſold; the king's court itſelf, though the ſupreme judicature of the kingdom, was open to none that brought not preſents to the king; the bribes given for the expedition, delay [c], ſuſpenſion, and, doubtleſs, for the perverſion of juſtice, were entered in the public regiſters of the royal revenue, and remain as monuments of the perpetual iniquity and tyranny of the times. The barons of the exchequer, for inſtance, the firſt nobility of the kingdom, were not aſhamed to inſert, as an article in their records, that the county of Norfolk paid a ſum that they might be fairly dealt with [d]; the borough of Yarmouth, that the king's charters, which they have for their liberties, might not be violated [e]; Richard, ſon of Gilbert, for the king's helping him to recover his debt from the Jews [f]; Serlo, ſon of Terlavaſton, that he might be permitted to make his defence, in caſe he were accuſed of a certain homicide [g]; Walter de Burton, for free law, if accuſed of wounding another [h]; Robert de Eſſart, for having an inqueſt to find whether Roger the butcher, and Wace and Humphrey, accuſed him of robbery and theft out of envy and ill-will, or not [i]; William Buhurſt, for having an inqueſt to find whether he were accuſed of the death of one Godwin, out of ill-will, or for juſt cauſe [k].

[b] Madox's Hiſt. of the Exch. p. 272. [c] Id. p. 274. 309.
[d] Id. p. 295. [e] Id. ibid.
[f] Id. p. 296. He paid 200 marks, a great ſum in thoſe days.
[g] Id. p. 296. [h] Id. ibid. [i] Id. p. 298. [k] Id. p. 302.

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I have selected these few instances from a great number of a like kind, which Madox had selected from a still greater number, preserved in the ancient rolls of the exchequer[l].

SOMETIMES the party litigant offered the king a certain portion, a half, a third, a fourth, payable out of the debts which he, as the executor of justice, should assist him in recovering[m]. Theophania de Westland agreed to pay the half of 212 marks, that she might recover that sum against James de Fughleston[n]; Solomon the Jew engaged to pay one mark out of every seven that he should recover against Hugh de la Hose[o]; Nicholas Morrel promised to pay sixty pounds, that the earl of Flanders might be distrained to pay him 343 pounds, which the earl had taken from him; and these sixty pounds were to be paid out of the first money that Nicholas should recover from the earl[p].

As the king assumed the entire power over trade, he was to be paid for a permission to exercise commerce or industry of any kind[q]. Hugh Oisel paid 400 marks for liberty to trade in England[r]: Nigel de Havene gave fifty marks for the partnership in merchandise which he had with Gervase de Hanton[s]: The men of Worcester paid 100 shillings, that they might have the liberty of selling and buying dyed cloth as formerly[t]: Several other towns paid for a like liberty[u]. The commerce indeed of the kingdom was so much under the control of the king, that he erected gilds, corporations, and monopolies wherever he pleased; and levied sums for these exclusive privileges[w].

THERE were no profits so small as to be below the king's attention. Henry, son of Arthur, gave ten dogs to have a recognition against the countess of

[l] Madox's Hist. of the Exch. chap. xii. [m] Id. p. 311.
[n] Id. ibid. [o] Id. p. 79. 312. [p] Id. p. 315.
[q] Id. p. 323. [r] Id. ibid. [s] Id. ibid. [t] Id. p. 324.
[u] Id. ibid. [w] Id. p. 232, 233, &c.

Copland for one knight's fee [x]. Roger, ſon of Nicholas, gave twenty lampreys and twenty ſhads for an inqueſt, to find whether Gilbert, ſon of Alured, gave to Roger 200 muttons to obtain his confirmation for certain lands, or whether Roger took them from him by violence [y]: Geoffrey Fitz-Pierre, the chief juſticiary, gave two good Norway hawks, that Walter le Madine might have leave to export a hundred weight of cheeſe out of the king's dominions [z]. Appendix II.

It is really amuſing to remark the ſtrange buſineſs in which the king ſometimes interfered, and never without a preſent: The wife of Hugh de Neville gave the king 200 hens, that ſhe might lie with her huſband one night [a]; and ſhe brought with her two ſureties, who anſwered each for a hundred hens. It is probable that her huſband was a priſoner, which debarred her from having acceſs to him. The abbot of Rucford paid ten marks for leave to erect houſes and place men upon his land near Welhang, in order to ſecure his wood there from being ſtolen [b]: Hugh archdeacon of Wells gave one tun of wine for leave to carry 600 ſums of corn whither he would [c]: Peter de Peraris gave twenty marks for leave to ſalt fiſhes, as Peter Chevalier uſed to do [d].

It was uſual to pay high fines, in order to gain the king's good-will, or mitigate his anger. In the reign of Henry II. Gilbert, the ſon of Fergus, fines in 919 pounds 9 ſhillings to obtain that prince's favour; William de Chataignes a thouſand marks, that he would remit his diſpleaſure. In the reign of Henry III. the city of London fines in no leſs a ſum than 20,000 pounds on the ſame account [e].

The king's protection and good offices of every kind were bought and ſold. Robert Griſlet paid

[x] Madox's Hiſt. of Exch. p. 298. [y] Id. p. 305.
[z] Id. p. 325. [a] Id. p. 326. [b] Id. ibid. [c] Id. p. 320.
[d] Id. p. 326. [e] Id. p. 327. 329.

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twenty marks of ſilver, that the king would help him againſt the earl of Mortaigne in a certain plea[f]: Robert de Cundet gave thirty marks of ſilver that the king would bring him to an accord with the biſhop of Lincoln[g]: Ralph de Breckham gave a hawk, that the king would protect him[h]; and this is a very frequent reaſon for payments: John, ſon of Ordgar, gave a Norway hawk to have the king's requeſt to the king of Norway to let him have his brother Godard's chattels[i]: Richard de Neville gave twenty palfreys to obtain the king's requeſt to Iſolda Biſſet, that ſhe ſhould take him for a huſband[k]: Roger Fitz-Walter gave three good palfreys to have the king's letter to Roger Bertram's mother, that ſhe ſhould marry him[l]: Eling, the dean, paid 100 marks, that his whore and his children might be let out upon bail[m]: The biſhop of Wincheſter gave one tun of good wine for his not putting the king in mind to give a girdle to the counteſs of Albemarle[n]: Robert de Veaux gave five of the beſt palfreys, that the king would hold his tongue about Henry Pinel's wife[o]. There are, in the records of exchequer, many other ſingular inſtances of a like nature[p]. It will however be juſt to

f Madox's Hiſt. of Exch. p 329. g Id. p. 330. h Id. p 332. i Id. ibid. k Id. p. 333. l Id. ibid. m Id. p. 342. *Pro habenda amica ſua et filiis, &c.* n Id. p. 352. o Id. ibid. *Ut rex taceret de uxore Henrici Pinel.*

p *We ſhall gratify the reader's curioſity by ſubjoining a few more inſtances from Madox*, p. 332. Hugh Oiſel was to give the king two robes of a good green colour, to have the king's letters patent to the merchants of Flanders, with a requeſt to render him 1000 marks, which he loſt in Flanders. The abbot of Hyde paid thirty marks, to have the king's letters of requeſt to the archbiſhop of Canterbury, to remove certain monks that were againſt the abbot. Roger de Trihanton paid twenty marks and a palfrey, to have the king's requeſt to Richard de Umfreville to give him his ſiſter to wife, and to the ſiſter that ſhe would accept of him for a huſband. William de Cheveringworth paid five marks, to have the king's letter to the abbot of Perſore, to let him enjoy peaceably his tythes as formerly. Matthew de Hereford, clerk, paid ten marks for a letter of requeſt to the biſhop of Landaff, to let him enjoy peaceably his church of Schenfrith. Andrew Neulun gave three Flemiſh caps for the king's requeſt to the prior of Chikeſand, for

to remark, that the ſame ridiculous practices and dangerous abuſes prevailed in Normandy, and probably in all the other ſtates of Europe[q]: England was not, in this reſpect, more barbarous than its neighbours. Appendix II.

THESE iniquitous practices of the Norman kings were ſo well known, that on the death of Hugh Bigod, in the reign of Henry II. the beſt and moſt juſt of theſe princes, the eldeſt ſon and the widow of this nobleman came to court, and ſtrove, by offering large preſents to the king, each of them to acquire poſſeſſion of that rich inheritance. The king was ſo equitable as to order the cauſe to be tried by the great council! But in the mean time he ſeized all the money and treaſure of the deceaſed[r]. Peter of Blois, a judicious and even an elegant writer for that age, gives a pathetic deſcription of the venality of juſtice, and the oppreſſions of the poor under the reign of Henry: And he ſcruples not to complain to the king himſelf of theſe abuſes[s]. We may judge what the caſe would be under the government of worſe princes. The articles of enquiry concerning the conduct of Sheriffs, which Henry promulgated in 1170, ſhow the great power, as well as the licentiouſneſs of theſe officers[t].

AMERCIAMENTS or fines for crimes and treſpaſſes were another conſiderable branch of the royal revenue.

for performance of an agreement made between them. Henry de Fontibus gave a Lombardy horſe of value to have the king's requeſt to Henry Fitz-Harvey, that he would give him his daughter to wife. Roger, ſon of Nicholas, promiſed all the lampreys he could get, to have the king's requeſt to earl William Marſhal, that he would grant him the manor of Langeford at Firm. The burgeſſes of Glouceſter promiſed 300 lampreys, that they might not be diſtrained to find the priſoners of Poictou with neceſſaries, unleſs they pleaſed. Id. p. 352. Jordan, ſon of Reginald, paid twenty marks to have the king's requeſt to William Paniel, that he would grant him the land of Mill Nierenuit, and the cuſtody of his heirs; and if Jordan obtained the ſame, he was to pay the twenty marks, otherwiſe not. Id. p. 333.

[q] Madox's Hiſt. of the Exch. p. 359. [r] Bened. Abb. p. 180, 181.
[s] Petri Bleſ. Epiſt. 95. apud Bibl. Patrum, tom. 24. p. 2014.
[t] Hoveden, Chron. Gerv. p. 1410.

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venue[u]. Most crimes were atoned for by money; the fines imposed were not limited by any rule or statute; and frequently occasioned the total ruin of the person, even for the slightest trespasses. The forest-laws, particularly, were a great source of oppression. The king possessed sixty-eight forests, thirteen chaces, and seven hundred and eighty-one parks, in different parts of England[w]; and, considering the extreme passion of the English and Normans for hunting, these were so many snares laid for the people, by which they were allured into trespasses, and brought within the reach of arbitrary and rigorous laws, which the king had thought proper to enact by his own authority.

But the most barefaced acts of tyranny and oppression were practised against the Jews, who were entirely out of the protection of law, were extremely odious from the bigotry of the people, and were abandoned to the immeasurable rapacity of the king and his ministers. Besides many other indignities to which they were continually exposed, it appears that they were once all thrown into prison, and the sum of 66,000 marks exacted for their liberty[x]: At another time, Isaac the Jew paid alone 5100 marks[y]; Brun, 3000 marks[z]; Jurnet, 2000; Bennet, 500: At another, Licorica, widow of David the Jew of Oxford, was required to pay 6000 marks; and she was delivered over to six of the richest and discreetest Jews in England, who were to answer for the sum[a]. Henry III. borrowed 5000 marks from the earl of Cornwal; and for his repayment consigned over to him all the Jews in England[b]. The revenue arising from exactions upon this nation was so considerable, that there was a particular court of exchequer set apart for managing it[c].

u Madox, chap. xiv. w Spelm. Gloss. in verbo *Foresta*.
x Madox's Hist. of the Exch. p. 151. This happened in the reign of king John. y Id. p. 151. z Id. p. 153. a Id. p. 168.
b Id. p. 156. c Id. ch. vii.

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Commerce.

We may judge concerning the low ſtate of commerce among the Engliſh, when the Jews, notwithſtanding theſe oppreſſions, could ſtill find their account in trading among them, and lending them money. And as the improvements of agriculture were alſo much checked by the immenſe poſſeſſions of the nobility, by the diſorders of the times, and by the precarious ſtate of feudal property, it appears that induſtry of no kind could then have place in the kingdom [d].

It is aſſerted by Sir Harry Spelman [e], as an undoubted truth, that, during the reigns of the firſt Norman princes, every edict of the king, iſſued with the conſent of his privy-council, had the full force of law. But the barons, ſurely, were not ſo paſſive as to entruſt a power, entirely arbitrary and deſpotic, into the hands of the ſovereign. It only appears, that the conſtitution had not fixed any preciſe boundaries to the royal power; that the right of iſſuing proclamations on any emergence, and of exacting obedience to them, a right which was always ſuppoſed inherent in the crown, is very difficult to be diſtinguiſhed from a legiſlative authority; that the extreme imperfection of the ancient laws, and the ſudden exigencies which often occurred in ſuch turbulent governments, obliged the prince to exert frequently the latent powers of his prerogative; that he naturally proceeded, from the acquieſcence of the people, to aſſume, in many particulars of moment, an authority from which he had excluded himſelf

[d] We learn from the extracts given us of Domeſday by Brady, in his Treatiſe of Boroughs, that almoſt all the boroughs of England had ſuffered in the ſhock of the Conqueſt, and had extremely decayed between the death of the Confeſſor, and the time when Domeſday was framed.

[e] Gloſſ. in verb. *Judicium Dei.* The author of the *Mirror des Juſtices* complains, that ordinances are only made by the king and his clerks, and by aliens and others, who dare not contradict the king, but ſtudy to pleaſe him. Whence, he concludes, laws are oftener dictated by will, than founded on right.

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by expreſs ſtatutes, charters, or conceſſions, and which was, in the main, repugnant to the general genius of the conſtitution; and that the lives, the perſonal liberty, and the properties of all his ſubjects, were leſs ſecured by law againſt the exertion of his arbitrary authority, than by the independent power and private connections of each individual. It appears from the Great Charter itſelf, that not only John, a tyrannical prince, and Richard, a violent one, but their father Henry, under whoſe reign the prevalence of groſs abuſes is the leaſt to be ſuſpected, were accuſtomed, from their ſole authority, without proceſs of law, to impriſon, baniſh, and attaint the freemen of their kingdom.

A GREAT baron, in ancient times, conſidered himſelf as a kind of ſovereign within his territory; and was attended by courtiers and dependants more zealouſly attached to him than the miniſters of ſtate and the great officers were commonly to *their* ſovereign. He often maintained in his court the parade of royalty, by eſtabliſhing a juſticiary, conſtable, mareſchal, chamberlain, ſeneſchal, and chancellor, and aſſigning to each of theſe officers a ſeparate province and command. He was uſually very aſſiduous in exerciſing his juriſdiction; and took ſuch delight in that image of ſovereignty, that it was found neceſſary to reſtrain his activity, and prohibit him by law from holding courts too frequently [e]. It is not to be doubted, but the example ſet him by the prince, of a mercenary and ſordid extortion, would be faithfully copied; and that all his good and bad offices, his juſtice and injuſtice, were equally put to ſale. He had the power, with the king's conſent, to exact talliages even from the free citizens who lived within his barony; and as his neceſſities made him rapacious, his authority was uſually found to

[e] Dugd. Jurid. Orig. p. 26.

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be more oppressive and tyrannical than that of the sovereign [f]. He was ever engaged in hereditary or personal animosities or confederacies with his neighbours, and often gave protection to all desperate adventurers and criminals who could be useful in serving his violent purposes. He was able alone, in times of tranquillity, to obstruct the execution of justice within his territories; and by combining with a few malcontent barons of high rank and power, he could throw the state into convulsions. And, on the whole, though the royal authority was confined within bounds, and often within very narrow ones, yet the check was irregular, and frequently the source of great disorders; nor was it derived from the liberty of the people, but from the military power of many petty tyrants, who were equally dangerous to the prince, and oppressive to the subject.

The church.

THE power of the church was another rampart against royal authority; but this defence was also the cause of many mischiefs and inconveniences. The dignified clergy, perhaps, were not so prone to immediate violence as the barons; but as they pretended to a total independence on the state, and could always cover themselves with the appearances of religion, they proved, in one respect, an obstruction to the settlement of the kingdom, and to the regular execution of the laws. The policy of the conqueror was in this particular liable to some exception. He augmented the superstitious veneration for Rome, to which that age was so much inclined; and he broke those bands of connection, which, in the Saxon times, had preserved an union between the lay and the clerical orders. He prohibited the bishops from sitting in the county courts; he allowed ecclesiastical causes to be tried in spiritual courts only [g]; and he so much exalted the power of

[f] Madox Hist. of Exch. p. 520.
[g] Char. Will. apud Wilkins, p. 230. Spel. Conc. vol. ii. p. 14.

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the clergy, that of 60,215 knights fees, into which he divided England, he placed no less than 28,015 under the church[h].

Civil laws.

THE right of primogeniture was introduced with the feudal law: An institution which is hurtful, by producing and maintaining an unequal division of private property; but is advantageous in another respect, by accustoming the people to a preference in favour of the eldest son, and thereby preventing a partition or disputed succession in the monarchy. The Normans introduced the use of sirnames, which tend to preserve the knowledge of families and pedigrees. They abolished none of the old absurd methods of trial by the cross or ordeal; and they added a new absurdity, the trial by single combat[i], which became a regular part of jurisprudence, and was conducted with all the order, method, devotion, and solemnity imaginable[k]. The ideas of chivalry also seem to have been imported by the Normans: No traces of those fantastic notions are to be found among the plain and rustic Saxons.

Manners.

THE feudal institutions, by raising the military tenants to a kind of sovereign dignity, by rendering personal strength and valour requisite, and by making every knight and baron his own protector and avenger, begat that martial pride and sense of honour, which, being cultivated and embellished by the poets and romance-writers of the age, ended in chivalry. The virtuous knight fought not only in his own quarrel, but in that of the innocent, of the helpless, and, above all, of the fair, whom he supposed to be for ever under the guardianship of his valiant arm. The uncourteous knight who, from

h Spell. Gloss. in verb. *Manus Mortua*. We are not to imagine, as some have done, that the church possessed lands in this proportion, but only that they and their vassals enjoyed such a proportionable part of the landed property.

i LL. Will. cap. 68.

k Spel. Gloss. in verb. *Campus*. The last instance of these duels was in the 15th of Eliz. So long did that absurdity remain.

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his caſtle, exerciſed robbery on travellers, and committed violence on virgins, was the object of his perpetual indignation; and he put him to death, without ſcruple, or trial, or appeal, wherever he met with him. The great independence of men made perſonal honour and fidelity the chief tie among them; and rendered it the capital virtue of every true knight, or genuine profeſſor of chivalry. The ſolemnities of ſingle combat, as eſtabliſhed by law, baniſhed the notion of every thing unfair or unequal in rencounters; and maintained an appearance of courteſy between the combatants, till the moment of their engagement. The credulity of the age grafted on this ſtock the notion of giants, enchanters, dragons, ſpells[1], and a thouſand wonders, which ſtill multiplied during the times of the Cruſades; when men, returning from ſo great a diſtance, uſed the liberty of impoſing every fiction on their believing audience. Theſe ideas of chivalry infected the writings, converſation, and behaviour of men, during ſome ages; and even after they were, in a great meaſure, baniſhed by the revival of learning, they left modern *gallantry* and the *point of honour*, which ſtill maintain their influence, and are the genuine offspring of thoſe ancient affectations.

THE conceſſion of the Great Charter, or rather its full eſtabliſhment (for there was a conſiderable interval of time between the one and the other), gave riſe, by degrees, to a new ſpecies of government, and introduced ſome order and juſtice into the adminiſtration. The enſuing ſcenes of our hiſtory are therefore ſomewhat different from the preceding. Yet the Great Charter contained no eſtabliſhment of new courts, magiſtrates, or ſenates, nor abolition of the old. It introduced no new diſtribution of the powers of the commonwealth, and no innova-

[1] In all legal ſingle combats, it was part of the champion's oath, that he carried not about him any herb, ſpell, or inchantment, by which he might procure victory. Dugd. Orig. Jurid. p. 82.

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tion in the political or public law of the kingdom. It only guarded, and that merely by verbal clauſes, againſt ſuch tyrannical practices as are incompatible with civilized government, and, if they become very frequent, are incompatible with all government. The barbarous licence of the kings, and perhaps of the nobles, was thenceforth ſomewhat more reſtrained: Men acquired ſome more ſecurity for their properties and their liberties: And government approached a little nearer to that end for which it was originally inſtituted, the diſtribution of juſtice, and the equal protection of the citizens. Acts of violence and iniquity in the crown, which before were only deemed injurious to individuals, and were hazardous chiefly in proportion to the number, power, and dignity of the perſons affected by them, were now regarded, in ſome degree, as public injuries, and as infringements of a charter calculated for general ſecurity. And thus the eſtabliſhment of the Great Charter, without ſeeming anywiſe to innovate in the diſtribution of political power, became a kind of epoch in the conſtitution.

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HENRY III.

Settlement of the government——General pacification——Death of the Protector——Some commotions——Hubert de Burgh displaced——The bishop of Winchester minister——King's partiality to foreigners——Grievances——Ecclesiastical grievances——Earl of Cornwal elected king of the Romans——Discontent of the barons——Simon de Mountfort earl of Leicester——Provisions of Oxford——Usurpation of the barons——Prince Edward——Civil wars of the barons——Reference to the king of France——Renewal of the civil wars——Battle of Lewes——House of commons——Battle of Evesham and death of Leicester——Settlement of the government——Death——and character of the king——Miscellaneous transactions of this reign.

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MOST sciences, in proportion as they increase and improve, invent methods by which they facilitate their reasonings; and employing general theorems, are enabled to comprehend, in a few propositions, a great number of inferences and conclusions. History also, being a collection of facts which are multiplying without end, is obliged to adopt such arts of abridgment, to retain the more material events, and to drop all the minute circumstances, which are only interesting during the time, or to the persons engaged in the transactions. This truth is no where more evident than with regard to the reign upon which we are going to enter. What mortal

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mortal could have the patience to write or read a long detail of ſuch frivolous events as thoſe with which it is filled, or attend to a tedious narrative which would follow, through a ſeries of fifty-ſix years, the caprices and weakneſſes of ſo mean a prince as Henry? The chief reaſon why proteſtant writers have been ſo anxious to ſpread out the incidents of this reign is, in order to expoſe the rapacity, ambition, and artifices of the court of Rome; and to prove, that the great dignitaries of the catholic church, while they pretended to have nothing in view but the ſalvation of ſouls, had bent all their attention to the acquiſition of riches, and were reſtrained by no ſenſe of juſtice or of honour in the purſuit of that great object[m]. But this concluſion would readily be allowed them, though it were not illuſtrated by ſuch a detail of unintereſting incidents; and follows, indeed, by an evident neceſſity, from the very ſituation in which that church was placed with regard to the reſt of Europe. For, beſides that eccleſiaſtical power, as it can always cover its operations under a cloak of ſanctity, and attacks men on the ſide where they dare not employ their reaſon, lies leſs under control than civil government; beſides this general cauſe, I ſay, the pope and his courtiers were foreigners to moſt of the churches which they governed; they could not poſſibly have any other object than to pillage the provinces for preſent gain; and as they lived at a diſtance, they would be little awed by ſhame or remorſe, in employing every lucrative expedient which was ſuggeſted to them. England being one of the moſt remote provinces attached to the Romiſh hierarchy, as well as the moſt prone to ſuperſtition, felt ſeverely, during this reign, while its patience was not yet fully exhauſted, the influence of theſe cauſes; and we ſhall often have occaſion

m M. Paris, p. 623.

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to touch curſorily upon ſuch incidents. But we ſhall not attempt to comprehend every tranſaction tranſmitted to us; and till the end of the reign, when the events become more memorable, we ſhall not always obſerve an exact chronological order in our narration. CHAP. XII. 1216.

THE earl of Pembroke, who, at the time of John's death, was mareſchal of England, was by his office at the head of the armies, and conſequently, during a ſtate of civil wars and convulſions, at the head of the government; and it happened fortunately for the young monarch and for the nation, that the power could not have been intruſted into more able and more faithful hands. This nobleman, who had maintained his loyalty unſhaken to John during the loweſt fortune of that monarch, determined to ſupport the authority of the infant prince; nor was he diſmayed at the number and violence of his enemies. Senſible that Henry, agreeably to the prejudices of the times would not be deemed a ſovereign, till crowned and anointed by a churchman, he immediately carried the young prince to Glaceſter, where the ceremony of coronation was performed, in the preſence of Gualo the legate, and of a few noblemen by the biſhops of Wincheſter and Bath [n]. As the concurrence of the papal authority was requiſite to ſupport the tottering throne, Henry was obliged to ſwear fealty to the pope, and renew that homage to which his father had already ſubjected the kingdom [o]: And in order to enlarge the authority of Pembroke, and to give him a more regular and legal title to it, a general council of the barons was ſoon after ſummoned at Briſtol, where that nobleman was choſen protector of the realm.

Settlement of the government.

28th Oct.

11th Nov.

PEMBROKE, that he might reconcile all men to the government of his pupil, made him grant a new charter of liberties, which, though moſtly copied

[n] M. Paris, p. 200. Hiſt. Croyl. Cont. p. 474. W. Heming. p. 562. Trivet, p. 168. [o] M. Paris, p. 200.

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from the former conceſſions extorted from John, contains ſome alterations, which may be deemed remarkable [p]. The full privilege of elections in the clergy, granted by the late king, was not confirmed, nor the liberty of going out of the kingdom without the royal conſent: Whence we may conclude, that Pembroke and the barons, jealous of the eccleſiaſtical power, both were deſirous of renewing the king's claim to iſſue a congé d'elire to the monks and chapters, and thought it requiſite to put ſome check to the frequent appeals to Rome. But what may chiefly ſurpriſe us is, that the obligation to which John had ſubjected himſelf, of obtaining the conſent of the great council before he levied any aids or ſcutages upon the nation, was omitted; and this article was even declared hard and ſevere, and was expreſsly left to future deliberation. But we muſt conſider, that, though this limitation may perhaps appear to us the moſt momentous in the whole charter of John, it was not regarded in that light by the ancient barons, who were more jealous in guarding againſt particular acts of violence in the crown, than againſt ſuch general impoſitions, which, unleſs they were evidently reaſonable and neceſſary, could ſcarcely, without general conſent, be levied upon men who had arms in their hands, and who could repel any act of oppreſſion, by which they were all immediately affected. We accordingly find that Henry, in the courſe of his reign, while he gave frequent occaſions for complaint, with regard to his violations of the Great Charter, never attempted, by his mere will, to levy any aids or ſcutages; though he was often reduced to great neceſſities, and was refuſed ſupply by his people. So much eaſier was it for him to tranſgreſs the law, when individuals alone were affected, than even to exert his acknow-

p Rymer, vol. i. p. 215.

edged prerogatives, where the intereſt of the whole body was concerned. CHAP. XII.

THIS charter was again confirmed by the king in the enſuing year, with the addition of ſome articles to prevent the oppreſſions by ſheriffs: And alſo with an additional charter of foreſts, a circumſtance of great moment in thoſe ages, when hunting was ſo much the occupation of the nobility, and when the king comprehended ſo conſiderable a part of the kingdom within his foreſts, which he governed by peculiar and arbitrary laws. All the foreſts, which had been incloſed ſince the reign of Henry II. were diſaforeſted; and new perambulations were appointed for that purpoſe: Offences in the foreſts were declared to be no longer capital: but puniſhable by fine, impriſonment, and more gentle penalties: And all the proprietors of land recovered the power of cutting and uſing their own wood at their pleaſure. 1216.

THUS theſe famous charters were brought nearly to the ſhape in which they have ever ſince ſtood; and they were, during many generations, the peculiar favourites of the Engliſh nation, and eſteemed the moſt ſacred rampart to national liberty and independence. As they ſecured the rights of all orders of men, they were anxiouſly defended by all, and became the baſis, in a manner, of the Engliſh monarchy, and a kind of original contract, which both limited the authority of the king, and enſured the conditional allegiance of his ſubjects. Though often violated, they were ſtill claimed by the nobility and people; and as no precedents were ſuppoſed valid that infringed them, they rather acquired than loſt authority, from the frequent attempts made againſt them in ſeveral ages by regal and arbitrary power.

WHILE Pembroke, by renewing and confirming the Great Charter, gave ſo much ſatisfaction and ſecurity to the nation in general, he alſo applied

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himſelf ſucceſsfully to individuals: He wrote letters, in the king's name, to all the malcontent barons; in which he repreſented to them, that, whatever jealouſy and animoſity they might have entertained againſt the late king, a young prince, the lineal heir of their ancient monarchs, had now ſucceeded to the throne, without ſucceeding either to the reſentments or principles of his predeceſſor: That the deſperate expedient, which they had employed, of calling in a foreign potentate, had, happily for them, as well as for the nation, failed of entire ſucceſs; and it was ſtill in their power, by a ſpeedy return to their duty, to reſtore the independence of the kingdom, and to ſecure that liberty, for which they ſo zealouſly contended: That as all paſt offences of the barons were now buried in oblivion, they ought, on their part, to forget their complaints againſt their late ſovereign, who, if he had been anywiſe blameable in his conduct, had left to his ſon the ſalutary warning, to avoid the paths which had led to ſuch fatal extremities: And that having now obtained a charter for their liberties, it was their intereſt to ſhew, by their conduct, that this acquiſition was not incompatible with their allegiance, and that the rights of king and people, ſo far from being hoſtile and oppoſite, might mutually ſupport and ſuſtain each other[q].

THESE conſiderations, enforced by the character of honour and conſtancy, which Pembroke had ever maintained, had a mighty influence on the barons; and moſt of them began ſecretly to negociate with him, and many of them openly returned to their duty. The diffidence which Lewis diſcovered of their fidelity, forwarded this general propenſion towards the king; and when the French prince refuſed the government of the caſtle of Hertford to Robert Fitz-Walter, who had been ſo active againſt

[q] Rymer, vol. i. p. 215. Brady's App. Nº 143.

the

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the late king, and who claimed that fortreſs as his property, they plainly ſaw that the Engliſh were excluded from every truſt, and that foreigners had engroſſed all the confidence and affection of their new ſovereign [r]. The excommunication, too, denounced by the legate againſt all the adherents of Lewis, failed not, in the turn which men's diſpoſitions had taken, to produce a mighty effect upon them; and they were eaſily perſuaded to conſider a cauſe as impious, for which they had already entertained an unſurmountable averſion [s]. Though Lewis made a journey to France, and brought over ſuccours from that kingdom [t], he found on his return, that his party was ſtill more weakened by the deſertion of his Engliſh confederates, and that the death of John had, contrary to his expectations, given an incurable wound to his cauſe. The earls of Saliſbury, Arundel, and Warrenne, together with William Mareſhal, eldeſt ſon of the protector, had embraced Henry's party; and every Engliſh nobleman was plainly watching for an opportunity of returning to his allegiance. Pembroke was ſo much ſtrengthened by theſe acceſſions, that he ventured to infeſt Mount-ſorel; though, upon the approach of the count of Perche with the French army, he deſiſted from his enterpriſe, and raiſed the ſiege [u]. The count, elated with this ſucceſs, marched to Lincoln; and being admitted into the town, he began to attack the caſtle, which he ſoon reduced to extremity. The protector ſummoned all his forces from every quarter, in order to relieve a place of ſuch importance; and he appeared ſo much ſuperior to the French, that they ſhut themſelves up within the city, and reſolved to act upon the defenſive [w]. But the garriſon of the caſtle, having received a ſtrong reinforcement, made a vigorous

[r] M. Paris, p. 200. 202. [s] Ibid. p. 200. M. Weſt. p. 277. [t] Chron. Dunſt. vol. i. p. 79. M. Weſt. p. 277. [u] M. Paris, p. 203. [w] Chron. Dunſt. vol. i. p. 81.

CHAP. XII. 1216. sally upon the besiegers; while the English army, by concert, assaulted them in the same instant from without, mounted the walls by scalade, and bearing down all resistance, entered the city sword in hand. Lincoln was delivered over to be pillaged; the French army was totally routed; the count of Perche, with only two persons more, was killed; but many of the chief commanders, and about 400 knights, were made prisoners by the English [x]. So little blood was shed in this important action, which decided the fate of one of the most powerful kingdoms in Europe; and such wretched soldiers were those ancient barons, who yet were unacquainted with every thing but arms!

Prince Lewis was informed of this fatal event while employed in the siege of Dover, which was still valiantly defended against him by Hubert de Burgh. He immediately retreated to London, the centre and life of his party; and he there received intelligence of a new disaster, which put an end to all his hopes. A French fleet bringing over a strong reinforcement, had appeared on the coast of Kent, where they were attacked by the English under the command of Philip d'Albiney, and were routed with considerable loss. D'Albiney employed a stratagem against them, which is said to have contributed to the victory: Having gained the wind of the French, he came down upon them with violence; and throwing in their faces a great quantity of quick-lime which he purposely carried on board, he so blinded them, that they were disabled from defending themselves [y].

After this second misfortune of the French, the English barons hastened every where to make peace with the protector, and, by an early submission, to prevent those attainders to which they were exposed

[x] M. Paris, p. 204, 205. Chron. de Mailr. p. 195.
[y] M. Paris, p. 206. Ann Waverl. p. 183. W. Heming. p. 563. Trivet, p. 169. M. West. p. 277. Knyghton, p. 2428.

on

on account of their rebellion. Lewis whose cause was now totally desperate, began to be anxious for the safety of his person, and was glad, on any honourable conditions, to make his escape from a country where he found every thing was now become hostile to him. He concluded a peace with Pembroke, promised to evacuate the kingdom, and only stipulated, in return, an indemnity to his adherents, and a restitution of their honours and fortunes, together with the free and equal enjoyment of those liberties which had been granted to the rest of the nation [z]. Thus was happily ended a civil war, which seemed to be founded on the most incurable hatred and jealousy, and had threatened the kingdom with the most fatal consequences.

CHAP. XII. 1216.

General pacification.

THE precautions which the king of France used in the conduct of this whole affair are remarkable. He pretended that his son had accepted of the offer from the English barons without his advice, and contrary to his inclination: The armies sent to England were levied in Lewis's name: When that prince came over to France for aid, his father publicly refused to grant him any assistance, and would not so much as admit him to his presence: Even after Henry's party acquired the ascendant, and Lewis was in danger of falling into the hands of his enemies, it was Blanche of Castile his wife, not the king his father, who raised armies and equipped fleets for his succour [a]. All these artifices were employed, not to satisfy the pope; for he had too much penetration to be so easily imposed on: Nor yet to deceive the people; for they were too gross even for that purpose: They only served for a colouring to Philip's cause; and in public affairs, men are often better pleased that the truth, though known to every body, should be wrapped up under a decent cover,

[z] Rymer, vol. i. p. 221. M. Paris, p. 207. Chron. Dunst. vol. i. p. 83. M. West. 278. Knyghton, p. 2429.
[a] M. Paris, p. 256. Chron. Dunst. vol. i. p. 82.

 than

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than if it were exposed in open daylight to the eyes of all the world.

After the expulsion of the French, the prudence and equity of the protector's subsequent conduct contributed to cure entirely those wounds which had been made by intestine discord. He received the rebellious barons into favour; observed strictly the terms of peace which he had granted them; restored them to their possessions; and endeavoured, by an equal behaviour, to bury all past animosities in perpetual oblivion. The clergy alone, who had adhered to Lewis, were sufferers in this revolution. As they had rebelled against their spiritual sovereign, by disregarding the interdict and excommunication, it was not in Pembroke's power to make any stipulations in their favour; and Gualo the legate prepared to take vengeance on them for their disobedience[b]. Many of them were deposed; many suspended; some banished; and all who escaped punishment made atonement for their offence by paying large sums to the legate, who amassed an immense treasure by this expedient.

Death of the protector.

The earl of Pembroke did not long survive the pacification, which had been chiefly owing to his wisdom and valour[c]; and he was succeeded in the government by Peter des Roches, bishop of Winchester, and Hubert de Burgh, the justiciary. The councils of the latter were chiefly followed; and had he possessed equal authority in the kingdom with Pembroke, he seemed to be every way worthy of filling the place of that virtuous nobleman. But the licentious and powerful barons, who had once broken the reins of subjection to their prince, and had obtained by violence an enlargement of their liberties and independence, could ill be restrained by laws under a minority; and the people, no less than the king, suffered from their outrages and

Some commotions.

b Brady's Ap. Nº 144. Chron. Dunst. vol. i. p. 83.
c M. Paris, p. 210.

I disorders.

disorders: They retained by force the royal castles, which they had seized during the past convulsions, or which had been committed to their custody by the protector[d]: They usurped the king's demesnes[e]: They oppressed their vassals: They infested their weaker neighbours: They invited all disorderly people to enter in their retinue, and to live upon their lands: And they gave them protection in all their robberies and extortions.

No one was more infamous for these violent and illegal practices than the earl of Albemarle; who, though he had early returned to his duty, and had been serviceable in expelling the French, augmented to the utmost the general disorder, and committed outrages in all the counties of the North. In order to reduce him to obedience, Hubert seized an opportunity of getting possession of Rockingham castle, which Albemarle had garrisoned with his licentious retinue: But this nobleman, instead of submitting, entered into a secret confederacy with Fawkes de Breauté, Peter de Mauleon, and other barons, and both fortified the castle of Biham for his defence, and made himself master, by surprise, of that of Fotheringay. Pandulf, who was restored to his legateship, was active in suppressing this rebellion; and with the concurrence of eleven bishops, he pronounced the sentence of excommunication against Albemarle and his adherents[f]: An army was levied: A scutage of ten shillings, a knight's fee, was imposed on all the military tenants: Albemarle's associates gradually deserted him: And he himself was obliged at last to sue for mercy. He received a pardon, and was restored to his whole estate.

This impolitic lenity, too frequent in those times, was probably the result of a secret combination among the barons, who never could endure to see the total ruin of one of their own order: But it

[d] Trivet, p. 174. [e] Rymer, vol. i. p. 276.
[f] Chron. Dunst. vol. i. p. 102.

encouraged

CHAP. XII.

1216. encouraged Fawkes de Breauté, a man whom king John had raiſed from a low origin, to perſevere in the courſe of violence to which he had owed his fortune, and to ſet at nought all law and juſtice. When thirty-five verdicts were at one time found againſt him, on account of his violent expulſion of ſo many freeholders from their poſſeſſions; he came to the court of juſtice with an armed force, ſeized the judge who had pronounced the verdicts and impriſoned him in Bedford caſtle. He then levied open war againſt the king; but being ſubdued and taken priſoner, his life was granted him; but his eſtate was confiſcated, and he was baniſhed the kingdom [g].

1222. JUSTICE was executed with greater ſeverity againſt diſorders leſs premeditated which broke out in London. A frivolous emulation in a match of wreſtling, between the Londoners on the one hand, and the inhabitants of Weſtminſter and thoſe of the neighbouring villages on the other, occaſioned this commotion. The former roſe in a body, and pulled down ſome houſes belonging to the abbot of Weſtminſter: But this riot, which, conſidering the tumultuous diſpoſition familiar to that capital, would have been little regarded, ſeemed to become more ſerious by the ſymptoms which then appeared, of the former attachment of the citizens to the French intereſt. The populace, in the tumult, made uſe of the cry of war commonly employed by the French troops; *Mountjoy, mountjoy, God help us and our lord Lewis.* The juſticiary made enquiry into the diſorder; and finding one Conſtantine Fitz-Arnulf to have been the ringleader, an inſolent man, who juſtified his crime in Hubert's preſence, he proceeded againſt him by martial law, and ordered him immediately to be hanged, without

[g] Rymer, vol. i. p. 198. M. Paris, p. 221. 224. Ann Waverl. p. 188. Chron. Dunſt. vol. i. p. 141. 146. M. Weſt. p. 283.

trial

1222.

trial or form of process. He also cut off the feet of some of Constantine's accomplices [h].

THIS act of power was complained of as an infringement of the Great Charter: Yet the justiciary, in a parliament summoned at Oxford, (for the great councils about this time began to receive that appellation,) made no scruple to grant in the king's name a renewal and confirmation of that charter. When the assembly made application to the crown for this favour, as a law in those times seemed to lose its validity if not frequently renewed, William de Briewere, one of the council of regency, was so bold as to say openly, that those liberties were extorted by force, and ought not to be observed: But he was reprimanded by the archbishop of Canterbury, and was not countenanced by the king or his chief ministers [i]. A new confirmation was demanded and granted two years after; and an aid, amounting to a fifteenth of all moveables, was given by the parliament, in return for this indulgence. The king issued writs anew to the sheriffs, enjoining the observance of the charter; but he inserted a remarkable clause in the writs, that those who payed not the fifteenth should not for the future be entitled to the benefit of those liberties [k].

THE low state into which the crown was fallen made it requisite for a good minister to be attentive to the preservation of the royal prerogatives, as well as to the security of public liberty. Hubert applied to the pope, who had always great authority in the kingdom, and was now considered as its superior lord; and desired him to issue a bull, declaring the king to be of full age, and entitled to exercise in person all the acts of royalty [l]. In consequence of this declaration, the justiciary resigned into Henry's hands the

[h] M. Paris, p. 217, 218. 259. Ann. Waverl. p. 187. Chron. Dunst. vol. i. p. 129. [i] M. West. p. 282. [k] Clause 9 H. 3. m. 9. and m. 6. d. [l] M. Paris, p. 220.

two

CHAP. XII. 1222.

two important fortreſſes of the Tower and Dover caſtle, which had been entruſted to his cuſtody; and he required the other barons to imitate his example. They refuſed compliance: The earls of Cheſter and Albemarle, John Conſtable of Cheſter, John de Lacy, Brian de l'Iſle, and William de Cantel, with ſome others, even formed a conſpiracy to ſurpriſe London, and met in arms at Waltham with that intention: But finding the king prepared for defence, they deſiſted from their enterpriſe. When ſummoned to court, in order to anſwer for their conduct, they ſcrupled not to appear, and to confeſs the deſign: But they told the king, that they had no bad intentions againſt his perſon, but only againſt Hubert de Burgh, whom they were determined to remove from his office[m]. They appeared too formidable to be chaſtiſed; and they were ſo little diſcouraged by the failure of their firſt enterpriſe, that they again met in arms at Leiceſter, in order to ſeize the king, who then reſided at Northampton: But Henry, informed of their purpoſe, took care to be ſo well armed and attended, that the barons found it dangerous to make the attempt; and they ſat down and kept Chriſtmas in his neighbourhood[n]. The archbiſhop and the prelates, finding every thing tending towards a civil war, interpoſed with their authority, and threatened the barons with the ſentence of excommunication, if they perſiſted in detaining the king's caſtles. This menace at laſt prevailed: Moſt of the fortreſſes were ſurrendered; though the barons complained, that Hubert's caſtles were ſoon after reſtored to him, while the king ſtill kept theirs in his own cuſtody. There are ſaid to have been 1115 caſtles at that time in England[o].

It muſt be acknowledged, that the influence of the prelates and the clergy was often of great ſer-

[m] Chron. Dunſt. vol. i. p. 137. [n] M. Paris, p. 221. Chron. Dunſt. vol. i. p. 138. [o] Coke's Comment. on Magna Charta, chap. 17.

vice

vice to the public. Though the religion of that age can merit no better name than that of ſuperſtition, it ſerved to unite together a body of men who had great ſway over the people, and who kept the community from falling to pieces, by the factions and independent power of the nobles. And what was of great importance, it threw a mighty authority into the hands of men, who, by their profeſſion, were averſe to arms and violence; who tempered by their mediation the general diſpoſition towards military enterpriſes; and who ſtill maintained, even amidſt the ſhock of arms, thoſe ſecret links, without which it is impoſſible for human ſociety to ſubſiſt. CHAP. XII. 1222.

NOTWITHSTANDING theſe inteſtine commotions in England, and the precarious authority of the crown, Henry was obliged to carry on war in France; and he employed to that purpoſe the fifteenth which had been granted him by parliament. Lewis VIII. who had ſucceeded to his father Philip, inſtead of complying with Henry's claim, who demanded the reſtitution of Normandy, and the other provinces wreſted from England, made an irruption into Poictou, took Rochelle[p], after a long ſiege, and ſeemed determined to expel the Engliſh from the few provinces which ſtill remained to them. Henry ſent over his uncle, the earl of Saliſbury, together with his brother prince Richard, to whom he had granted the earldom of Cornwal, which had eſcheated to the crown. Saliſbury ſtopped the progreſs of Lewis's arms, and retained the Poictevin and Gaſcon vaſſals in their allegiance: But no military action of any moment was performed on either ſide. The earl of Cornwal, after two years' ſtay in Guienne, returned to England.

THIS prince was nowiſe turbulent or factious in his diſpoſition: His ruling paſſion was to amaſs money, in which he ſucceeded ſo well as to become the 1227.

[p] Rymer, vol. i. p. 269. Trivet, p. 179.

richeſt

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1227.

richest subject in Christendom: Yet his attention to gain threw him sometimes into acts of violence, and gave disturbance to the government. There was a manor, which had formerly belonged to the earldom of Cornwal, but had been granted to Waleran de Ties, before Richard had been invested with that dignity, and while the earldom remained in the crown. Richard claimed this manor, and expelled the proprietor by force: Waleran complained: The king ordered his brother to do justice to the man, and restore him to his rights: The earl said, that he would not submit to these orders, till the cause should be decided against him by the judgment of his peers: Henry replied, that it was first necessary to reinstate Waleran in possession, before the cause could be tried; and he reiterated his orders to the earl [q]. We may judge of the state of the government, when this affair had nearly produced a civil war. The earl of Cornwal, finding Henry peremptory in his commands, associated himself with the young earl of Pembroke, who had married his sister, and who was displeased on account of the king's requiring him to deliver up some royal castles which were in his custody. These two malcontents took into the confederacy the earls of Chester, Warrenne, Glocester, Hereford, Warwic, and Ferrers, who were all disgusted on a like account [r]. They assembled an army, which the king had not the power or courage to resist; and he was obliged to give his brother satisfaction, by grants of much greater importance than the manor, which had been the first ground of the quarrel [s].

The character of the king, as he grew to man's estate, became every day better known; and he was found in every respect unqualified for maintaining a proper sway among those turbulent barons, whom the feudal constitution subjected to his authority.

[q] M. Paris, p. 233. [r] Ibid. [s] Ibid.

Gentle,

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Gentle, humane, and merciful even to a fault, he ſeems to have been ſteady in no other circumſtance of his character; but to have received every impreſſion from thoſe who ſurrounded him, and whom he loved, for the time, with the moſt imprudent and moſt unreſerved affection. Without activity or vigour, he was unfit to conduct war; without policy or art, he was ill fitted to maintain peace: His reſentments, though haſty and violent, were not dreaded, while he was found to drop them with ſuch facility; his friendſhips were little valued, becauſe they were neither derived from choice, nor maintained with conſtancy. A proper pageant of ſtate in a regular monarchy, where his miniſters could have conducted all affairs in his name and by his authority; but too feeble in thoſe diſorderly times to ſway a ſceptre, whoſe weight depended entirely on the firmneſs and dexterity of the hand which held it.

Hubert de Burgh diſplaced.

THE ableſt and moſt virtuous miniſter that Henry ever poſſeſſed, was Hubert de Burgh [t]: a man who had been ſteady to the crown in the moſt difficult and dangerous times, and who yet ſhewed no diſpoſition, in the height of his power, to enſlave or oppreſs the people. The only exceptionable part of his conduct is that which is mentioned by Matthew Paris [u]; if the fact be really true, and proceeded from Hubert's advice, namely, the recalling publicly and the annulling of the charter of foreſts, a conceſſion ſo reaſonable in itſelf, and ſo paſſionately claimed both by the nobility and people: But it muſt be confeſſed that this meaſure is ſo unlikely, both from the circumſtances of the times and character of the miniſter, that there is reaſon to doubt of its reality, eſpecially as it is mentioned by no other hiſtorian. Hubert, while he enjoyed his authority, had an entire aſcendant over Henry, and was loaded with honours and favours beyond any other ſubject.

[t] Ypod. Neuſtriæ, p. 464.

[u] P. 232. M. Weſt. p. 216. aſcribes this counſel to Peter biſhop of Wincheſter.

CHAP. XII. 1227. Besides acquiring the property of many castles and manors, he married the eldest sister of the king of Scots, was created earl of Kent, and, by an unusual concession, was made chief justiciary of England for 1231. life: Yet Henry, in a sudden caprice, threw off this faithful minister, and exposed him to the violent persecutions of his enemies. Among other frivolous crimes objected to him, he was accused of gaining the king's affections by enchantment, and of purloining from the royal treasury, a gem, which had the virtue to render the wearer invulnerable, and of sending this valuable curiosity to the prince of Wales[w]. The nobility, who hated Hubert on account of his zeal in resuming the rights and possessions of the crown, no sooner saw the opportunity favourable, than they inflamed the king's animosity against him, and pushed him to seek the total ruin of his minister. Hubert took sanctuary in a church: The king ordered him to be dragged from thence: He recalled those orders: He afterwards renewed them: He was obliged by the clergy to restore him to the sanctuary: He constrained him soon after to surrender himself prisoner, and he confined him in the castle of the Devizes. Hubert made his escape, was expelled the kingdom, was again received into favour, recovered a great share of the king's confidence, but never showed any inclination to reinstate himself in power and authority[x].

Bishop of Winchester minister.

THE man who succeeded him in the government of the king and kingdom, was Peter bishop of Winchester, a Poictevin by birth, who had been raised by the late king, and who was no less distinguished by his arbitrary principles and violent conduct, than by his courage and abilities. This prelate had been left by king John justiciary and regent of the kingdom during an expedition which that

[w] M. Paris, p. 259. [x] Ibid. p. 259, 260, 261. 266. Chron. T. Wykes, p. 41, 42. Chron. Dunst. vol. i. p. 220, 221. M. West. p 291. 301.

prince

prince made into France; and his illegal administration was one chief cause of that great combination among the barons, which finally extorted from the crown the charter of liberties, and laid the foundations of the English constitution. Henry, though incapable, from his character, of pursuing the same violent maxims which had governed his father, had imbibed the same arbitrary principles; and in prosecution of Peter's advice, he invited over a great number of Poictevins, and other foreigners, who, he believed, could more safely be trusted than the English, and who seemed useful to counterbalance the great and independent power of the nobility[y]. Every office and command was bestowed on these strangers; they exhausted the revenues of the crown, already too much impoverished[z]; they invaded the rights of the people; and their insolence, still more provoking than their power, drew on them the hatred and envy of all orders of men in the kingdom[a].

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THE barons formed a combination against this odious ministry, and withdrew from parliament, on pretence of the danger to which they were exposed from the machinations of the Poictevins. When again summoned to attend, they gave for answer, that the king should dismiss his foreigners, otherwise they would drive both him and them out of the kingdom, and put the crown on another head more worthy to wear it[b]: Such was the style they used to their sovereign! They at last came to parliament, but so well attended, that they seemed in a condition to prescribe laws to the king and ministry. Peter des Roches, however, had in the interval found means of sowing dissension among them, and of bringing over to his party the earl of Cornwal, as well as the earls of Lincoln and Chester. The confederates were disconcerted in their measures:

1233.

y M. Paris, p. 263.
z Chron. Dunst. vol. i. p. 151.
a M. Paris, p. 258.
b Ibid. p. 265.

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Richard, earl marefchal, who had fucceeded to that dignity on the death of his brother William, was chafed into Wales; he thence withdrew into Ireland, where he was treacheroufly murdered by the contrivance of the bifhop of Winchefter[c]. The eftates of the more obnoxious barons were confifcated, without legal fentence or trial by their peers[d], and were beftowed with a profufe liberality on the Poictevins. Peter even carried his infolence fo far as to declare publicly, that the barons of England muft not pretend to put themfelves on the fame foot with thofe of France, or affume the fame liberties and privileges: The monarch in the former country had a more abfolute power than in the latter. It had been more juftifiable for him to have faid, that men, fo unwilling to fubmit to the authority of laws, could with the worfe grace claim any fhelter or protection from them.

When the king at any time was checked in his illegal practices, and when the authority of the Great Charter was objected to him, he was wont to reply; "Why fhould I obferve this charter, which is neglected by all my grandees, both prelates and nobility?" It was very reafonably faid to him; "You ought, fir, to fet them the example[e]."

So violent a miniftry as that of the bifhop of Winchefter could not be of long duration; but its fall proceeded at laft from the influence of the church, not from the efforts of the nobles. Edmond, the primate, came to court, attended by many of the other prelates, and reprefented to the king the pernicious meafures embraced by Peter des Roches, the difcontents of his people, the ruin of his affairs; and, after requiring the difmiffion of the minifter and his affociates, threatened him with excommunication in cafe of his refufal. Henry, who knew

[c] Chron. Dunft. vol. i. p. 219. [d] M. Paris, p. 265. [e] Ibid. p. 609.

that

that an excommunication, ſo agreeable to the ſenſe of the people, could not fail of producing the moſt dangerous effects, was obliged to ſubmit: Foreigners were baniſhed: The natives were reſtored to their place in council[f]: The primate, who was a man of prudence, and who took care to execute the laws, and obſerve the charter of liberties, bore the chief ſway in the government. CHAP. XII. 1233.

But the Engliſh in vain flattered themſelves that they ſhould be long free from the dominion of foreigners. The king, having married Eleanor, daughter of the count of Provence[g], was ſurrounded by a great number of ſtrangers from that country, whom he careſſed with the fondeſt affection, and enriched by an imprudent generoſity[h]. The biſhop of Valence, a prelate of the houſe of Savoy, and maternal uncle to the queen, was his chief miniſter, and employed every art to amaſs wealth for himſelf and his relations. Peter of Savoy, a brother of the ſame family, was inveſted in the honour of Richmond, and received the rich wardſhip of earl Warrenne: Boniface of Savoy was promoted to the ſee of Canterbury: Many young ladies were invited over from Provence, and married to the chief noblemen in England, who were the king's wards[i]: And as the ſource of Henry's bounty began to fail, his Savoyard miniſtry applied to Rome, and obtained a bull; permitting him to reſume all paſt grants; abſolving him from the oath which he had taken to maintain them; even enjoining him to make ſuch a reſumption, and repreſenting thoſe grants as invalid, on account of the prejudice which enſued from them to the Roman pontiff, in whom the ſuperiority of the kingdom was veſted[k]. The

1236. 14th Jan.

King's partiality to foreigners.

[f] M. Paris, p. 271, 272. [g] Rymer, vol. i. p. 448. M. Paris, p. 286. [h] M. Paris, p. 236. 301. 305. 316. 541. M. Weſt. p. 302. 304. [i] M. Paris, p. 484. M. Weſt. p. 338. [k] M. Paris, p. 295. 301.

 oppoſition

CHAP. XII. 1236. opposition made to the intended resumption prevented it from taking place; but the nation saw the indignities to which the king was willing to submit, in order to gratify the avidity of his foreign favourites. About the same time, he published in England the sentence of excommunication pronounced against the emperor Frederic, his brother-in-law [l]; and said in excuse, that, being the pope's vassal, he was obliged by his allegiance to obey all the commands of his holiness. In this weak reign, when any neighbouring potentate insulted the king's dominions, instead of taking revenge for the injury, he complained to the pope as his superior lord, and begged him to give protection to his vassal [m].

Grievances. THE resentment of the English barons rose high, at the preference given to foreigners; but no remonstrance or complaint could ever prevail on the king to abandon them, or even to moderate his attachment towards them. After the Provençals and Savoyards might have been supposed pretty well satiated with the dignities and riches which they had acquired, a new set of hungry foreigners were invited over, and shared among them those favours, which the king ought in policy to have conferred on the English nobility, by whom his government could have been supported and defended. His mother, Isabella, who had been unjustly taken by the late king from the count de la Marche, to whom she was betrothed, was no sooner mistress of herself by the death of her husband, than she married that
1247. nobleman [n]; and she had born him four sons, Guy, William, Geoffrey, and Aymer, whom she sent over to England, in order to pay a visit to their brother. The good-natured and affectionate disposition of Henry was moved at the sight of such near relations;

[l] Rymer, vol. i. p. 383. [m] Chron. Dunst. vol. i. p. 150. [n] Trivet, p. 174.

and

and he considered neither his own circumstances, nor the inclinations of his people, in the honours and riches which he conferred upon them [o]. Complaints rose as high against the credit of the Gascon, as ever they had done against that of the Poictevin and of the Savoyard favourites; and to a nation prejudiced against them, all their measures appeared exceptionable and criminal. Violations of the Great Charter were frequently mentioned; and it is indeed more than probable, that foreigners, ignorant of the laws, and relying on the boundless affections of a weak prince, would, in an age when a regular administration was not any where known, pay more attention to their present interest than to the liberties of the people. It is reported, that the Poictevins and other strangers, when the laws were at any time appealed to, in opposition to their oppressions, scrupled not to reply, *What did the English laws signify to them? They minded them not.* And as words are often more offensive than actions, this open contempt of the English tended much to aggravate the general discontent, and made every act of violence committed by the foreigners appear not only an injury, but an affront to them [p]. CHAP. XII. 1247.

I RECKON not among the violations of the Great Charter some arbitrary exertions of prerogative to which Henry's necessities pushed him, and which, without producing any discontent, were uniformly continued by all his successors, till the last century. As the parliament often refused him supplies, and that in a manner somewhat rude and indecent [q], he obliged his opulent subjects, particularly the citizens of London, to grant him loans of money; and it is natural to imagine, that the same want of œconomy which reduced him to the necessity of borrowing,

[o] M. Paris, p. 491. M. West. p. 338. Knyghton, p. 2436.
[p] M. Paris, p. 566. 666. Ann. Waverl. p. 214. Chron. Dunst. vol. i. p. 335. [q] M. Paris, p. 301.

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would prevent him from being very punctual in the repayment[r]. He demanded benevolences, or pretended voluntary contributions, from his nobility and prelates[s]. He was the first king of England since the conquest, that could fairly be said to lie under the restraint of law; and he was also the first that practised the dispensing power, and employed the clause of *non obstante* in his grants and patents. When objections were made to this novelty, he replied, that the pope exercised that authority; and why might not he imitate the example? But the abuse which the pope made of his dispensing power, in violating the canons of general councils, in invading the privileges and customs of all particular churches, and in usurping on the rights of patrons, was more likely to excite the jealousy of the people, than to reconcile them to a similar practice in their civil government. Roger de Thurkesby, one of the king's justices, was so displeased with the precedent, that he exclaimed, *Alas! what times are we fallen into? Behold, the civil court is corrupted in imitation of the ecclesiastical, and the river is poisoned from that fountain.*

The king's partiality and profuse bounty to his foreign relations, and to their friends and favourites, would have appeared more tolerable to the English, had any thing been done meanwhile for the honour of the nation; or had Henry's enterprises in foreign countries been attended with any success or glory to himself or to the public: At least, such military talents in the king would have served to keep his barons in awe, and have given weight and authority to his government. But though he declared war against Lewis IX. in 1242, and made an expedition into Guienne, upon the invitation of his father-in-law, the count de la Marche, who promised to join him with all his forces; he was unsuccessful in his

r M. Paris, p. 406. s M. Paris, p. 507.

attempts

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attempts against that great monarch, was worsted at Taillebourg, was deserted by his allies, lost what remained to him of Poictou, and was obliged to return, with loss of honour, into England [t]. The Gascon nobility were attached to the English government; because the distance of their sovereign allowed them to remain in a state of almost total independence: And they claimed, some time after, Henry's protection against an invasion which the king of Castile made upon that territory. Henry returned into Guienne, and was more successful in this expedition; but he thereby involved himself and his nobility in an enormous debt, which both increased their discontents, and exposed him to greater danger from their enterprises [u].

1247.

1253.

WANT of œconomy, and an ill-judged liberality, were Henry's great defects; and his debts, even before this expedition, had become so troublesome, that he sold all his plate and jewels, in order to discharge them. When this expedient was first proposed to him, he asked, where he should find purchasers? It was replied, the citizens of London. *On my word*, said he, *if the treasury of Augustus were brought to sale, the citizens are able to be the purchasers: These clowns, who assume to themselves the name of barons, abound in every thing, while we are reduced to necessities* [w]. And he was thenceforth observed to be more forward and greedy in his exactions upon the citizens [x].

Ecclesiastical grievances.

BUT the grievances which the English during this reign had reason to complain of in the civil government, seem to have been still less burthensome than those which they suffered from the usurpations and exactions of the court of Rome. On the death of Langton in 1228, the monks of Christ-church elected

[t] M. Paris, p. 393, 394. 398, 399. 405. W. Heming. p. 574. Chron. Dunst. vol. i. p. 153. [u] M. Paris, p. 614.
[w] M. Paris, p. 501. [x] M. Paris, p. 501. 507. 518. 578. 606. 625. 648.

 Walter

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Walter de Hemesham, one of their own body, for his successor: But as Henry refused to confirm the election, the pope, at his desire, annulled it[y]; and immediately appointed Richard chancellor of Lincoln, for archbishop, without waiting for a new election. On the death of Richard in 1231, the monks elected Ralph de Neville bishop of Chichester; and though Henry was much pleased with the election, the pope, who thought that prelate too much attached to the crown, assumed the power of annulling his election[z]. He rejected two clergymen more, whom the monks had successively chosen; and he at last told them, that, if they would elect Edmond treasurer of the church of Salisbury, he would confirm their choice; and his nomination was complied with. The pope had the prudence to appoint both times very worthy primates; but men could not forbear observing his intention of thus drawing gradually to himself the right of bestowing that important dignity.

The avarice, however, more than the ambition, of the see of Rome, seems to have been in this age the ground of general complaint. The papal ministers, finding a vast stock of power amassed by their predecessors, were desirous of turning it to immediate profit, which they enjoyed at home, rather than of enlarging their authority in distant countries, where they never intended to reside. Every thing was become venal in the Romish tribunals; simony was openly practised; no favours, and even no justice, could be obtained without a bribe; the highest bidder was sure to have the preference, without regard either to the merits of the person or of the cause; and besides the usual perversions of right in the decision of controversies, the pope openly assumed an absolute and uncontrolled authority of setting aside, by the plenitude of his apostolic power,

y M. Paris, p. 244. z Ibid. p. 254.

all

all particular rules, and all privileges of patrons, churches, and convents. On pretence of remedying these abuses, pope Honorius, in 1226, complaining of the poverty of his see as the source of all grievances, demanded from every cathedral two of the best prebends, and from every convent two monks portions, to be set apart as a perpetual and settled revenue of the papal crown: But all men being sensible that the revenue would continue for ever, the abuses immediately return, his demand was unanimously rejected. About three years after, the pope demanded and obtained the tenth of all ecclesiastical revenues, which he levied in a very oppressive manner; requiring payment before the clergy had drawn their rents or tythes, and sending about usurers, who advanced them the money at exorbitant interest. In the year 1240, Otho the legate, having in vain attempted the clergy in a body, obtained separately, by intrigues and menaces, large sums from the prelates and convents, and on his departure is said to have carried more money out of the kingdom than he left in it. This experiment was renewed four years after with success by Martin the nuncio, who brought from Rome powers of suspending and excommunicating all clergymen that refused to comply with his demands. The king, who relied on the pope for the support of his tottering authority, never failed to countenance those exactions.

Meanwhile, all the chief benefices of the kingdom were conferred on Italians; great numbers of that nation were sent over at one time to be provided for; non-residence and pluralities were carried to an enormous height; Mansel, the king's chaplain, is computed to have held at once seven hundred ecclesiastical livings; and the abuses became so evident as to be palpable to the blindness of superstition itself. The people, entering into associations, rose against the Italian clergy; pillaged their

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their barns; wasted their lands; insulted the persons of such of them as they found in the kingdom[a]; and when the justice made inquiry into the authors of this disorder, the guilt was found to involve so many, and those of such high rank, that it passed unpunished. At last, when Innocent IV. in 1245, called a general council at Lyons, in order to excommunicate the emperor Frederic, the king and nobility sent over agents to complain before the council of the rapacity of the Romish church. They represented, among many other grievances, that the benefices of the Italian clergy in England had been estimated, and were found to amount to 60,000 marks[b] a year, a sum which exceeded the annual revenue of the crown itself[c]. They obtained only an evasive answer from the pope; but as mention had been made before the council, of the feudal subjection of England to the see of Rome, the English agents, at whose head was Roger Bigod earl of Norfolk, exclaimed against the pretension, and insisted, that king John had no right, without the consent of his barons, to subject the kingdom to so ignominious a servitude[d]. The popes indeed, afraid of carrying matters too far against England, seem thenceforth to have little insisted on that pretension.

THIS check, received at the council of Lyons, was not able to stop the court of Rome in its rapacity: Innocent exacted the revenues of all vacant benefices, the twentieth of all ecclesiastical revenues without exception; the third of such as exceeded a hundred marks a year, and the half of such as were possessed by non-residents[e]. He claimed

[a] Rymer, vol. i. p. 323. M. Paris, p. 255. 257. [b] Innocent's bull in Rymer, vol. i. p. 471, says only 50,000 marks a year. [c] M. Paris, p. 451. The customs were part of Henry's revenue, and amounted to 6000 pounds a year: They were at first small sums paid by the merchants for the use of the king's warehouses, measures, weights, &c. See Gilbert's History of the Excheq. p. 214. [d] M. Paris, p. 460. [e] M. Paris, p. 480. Ann. Burt. p. 305. 373.

the goods of all inteſtate clergymen [f]; he pretended a title to inherit all money gotten by uſury; he levied benevolences upon the people; and when the king, contrary to his uſual practice, prohibited theſe exactions, he threatened to pronounce againſt him the ſame cenſures which he had emitted againſt the emperor Frederic [g]. 1253.

But the moſt oppreſſive expedient employed by the pope, was the embarking of Henry in a project for the conqueſt of Naples, or Sicily on this ſide the Fare, as it was called; an enterpriſe which threw much diſhonour on the king, and involved him, during ſome years, in great trouble and expence. The Romiſh church, taking advantage of favourable incidents, had reduced the kingdom of Sicily to the ſame ſtate of feudal vaſſalage which ſhe pretended to extend over England, and which, by reaſon of the diſtance, as well as high ſpirit of this latter kingdom, ſhe was not able to maintain. After the death of the emperor Frederic II., the ſucceſſion of Sicily devolved to Conradine, grandſon of that monarch; and Mainfroy, his natural ſon, under pretence of governing the kingdom during the minority of the prince, had formed a ſcheme of eſtabliſhing his own authority. Pope Innocent, who had carried on violent war againſt the emperor Frederic, and had endeavoured to diſpoſſeſs him of his Italian dominions, ſtill continued hoſtilities againſt his grandſon; but being diſappointed in all his ſchemes by the activity and artifices of Mainfroy, he found, that his own force alone was not ſufficient to bring to a happy iſſue ſo great an enterpriſe. He pretended to diſpoſe of the Sicilian crown, both as ſuperior lord of that particular kingdom, and as vicar of Chriſt, to whom all kingdoms of the earth were ſubjected; and he made a tender of it to Richard earl of Cornwal, whoſe 1255.

f M. Paris, p. 474. g M. Paris, p. 476.

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immenſe riches, he flattered himſelf, would be able to ſupport the military operations againſt Mainfroy. As Richard had the prudence to refuſe the preſent [h], he applied to the king, whoſe levity and thoughtleſs diſpoſition gave Innocent more hopes of ſucceſs; and he offered him the crown of Sicily for his ſecond ſon Edmond [i]. Henry, allured by ſo magnificent a preſent, without reflecting on the conſequences, without conſulting either with his brother or the parliament, accepted of the inſidious propoſal; and gave the pope unlimited credit to expend whatever ſums he thought neceſſary for completing the conqueſt of Sicily. Innocent, who was engaged by his own intereſts to wage war with Mainfroy, was glad to carry on his enterpriſes at the expence of his ally: Alexander IV. who ſucceeded him in the papal throne, continued the ſame policy: And Henry was ſurpriſed to find himſelf on a ſudden involved in an immenſe debt, which he had never been conſulted in contracting. The ſum already amounted to 135,541 marks, beſide intereſt [k]; and he had the proſpect, if he anſwered this demand, of being ſoon loaded with more exorbitant expences; if he refuſed it, of both incurring the pope's diſpleaſure, and loſing the crown of Sicily, which he hoped ſoon to have the glory of fixing on the head of his ſon.

He applied to the parliament for ſupplies; and that he might be ſure not to meet with oppoſition, he ſent no writs to the more refractory barons: But even thoſe who were ſummoned, ſenſible of the ridiculous cheat impoſed by the pope, determined not to laviſh their money on ſuch chimerical projects; and making a pretext of the abſence of their brethren, they refuſed to take the king's demands into conſideration [l]. In this extremity the clergy

h M. Paris, p. 650. M. Paris, p. 599. 613. Dunſt. vol. i. p. 319.

i Rymer, vol. i. p. 502. 512. 530.

k Rymer, vol. i. p. 587. Chron.

l M. Paris, p. 614.

were

were his only resource; and as both their temporal and spiritual sovereign concurred in loading them, they were ill able to defend themselves against this united authority.

1255.

THE pope published a crusade for the conquest of Sicily; and required every one who had taken the cross against the infidels, or had vowed to advance money for that service, to support the war against Mainfroy, a more terrible enemy, as he pretended, to the Christian faith than any Saracen[m]. He levied a tenth on all ecclesiastiacal benefices in England for three years; and gave orders to excommunicate all bishops who made not punctual payment. He granted to the king the goods of intestate clergymen; the revenues of vacant benefices; the revenues of all non-residents[n]. But these taxations, being levied by some rule, were deemed less grievous than another imposition, which arose from the suggestion of the bishop of Hereford, and which might have opened the door to endless and intolerable abuses.

THIS prelate, who resided at the court of Rome by a deputation from the English church, drew bills of different values, but amounting on the whole to 150,540 marks, on all the bishops and abbots of the kingdom; and granted these bills to Italian merchants, who it was pretended had advanced money for the service of the war against Mainfroy[o]. As there was no likelihood of the English prelates submitting, without compulsion, to such an extraordinary demand, Rustand the legate was charged with the commission of employing authority to that purpose; and he summoned an assembly of the bishops and abbots, whom he acquainted with the pleasure of the pope and of the king. Great were the surprise and indignation of the assembly: The bishop of Worcester exclaimed, that he would lose

[m] Rymer, vol. i. p. 547, 548, &c. [n] Rymer, vol. i. p. 597, 598.
[o] M. Paris, p. 612. 628. Chron. T. Wykes, p. 54.

his

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his life rather than comply: The biſhop of London ſaid, that the pope and king were more powerful than he; but if his mitre were taken off his head, he would clap on a helmet in its place [p]. The legate was no leſs violent on the other hand; and he told the aſſembly in plain terms, that all eccleſiaſtical benefices were the property of the pope, and he might diſpoſe of them, either in whole or in part, as he ſaw proper [q]. In the end, the biſhops and abbots, being threatened with excommunication, which made all their revenues fall into the king's hands, were obliged to ſubmit to the exaction: And the only mitigation which the legate allowed them was, that the tenths already granted ſhould be accepted as a partial payment of the bills. But the money was ſtill inſufficient for the pope's purpoſe: The conqueſt of Sicily was as remote as ever: The demands which came from Rome were endleſs: Pope Alexander became ſo urgent a creditor, that he ſent over a legate to England; threatening the kingdom with an interdict, and the king with excommunication, if the arrears which he pretended to be due to him were not inſtantly remitted [r]: And at laſt Henry, ſenſible of the cheat, began to think of breaking off the agreement, and of reſigning into the pope's hands that crown which it was not intended by Alexander that he or his family ſhould ever enjoy [s].

Earl of Cornwal elected king of the Romans.

THE earl of Cornwal had now reaſon to value himſelf on his foreſight, in refuſing the fraudulent bargain with Rome, and in preferring the ſolid honours of an opulent and powerful prince of the blood of England, to the empty and precarious glory of a foreign dignity. But he had not always firmneſs ſufficient to adhere to this reſolution: His vanity and ambition prevailed at laſt over his prudence and his avarice; and he was engaged in an

[p] M. Paris, p. 614. [q] Ibid. p. 619. [r] Rymer, vol. i. p. 624. M. Paris, p. 648. [s] Rymer, vol. i. p. 630.

enter-

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enterprise no less extensive and vexatious than that of his brother, and not attended with much greater probability of success. The immense opulence of Richard having made the German princes cast their eye on him as a candidate for the empire, he was tempted to expend vast sums of money on his election; and he succeeded so far as to be chosen king of the Romans, which seemed to render his succession infallible to the Imperial throne. He went over to Germany, and carried out of the kingdom no less a sum than seven hundred thousand marks, if we may credit the account given by some ancient authors[s], which is probably much exaggerated[t]. His money, while it lasted, procured him friends and partizans: But it was soon drained from him by the avidity of the German princes; and having no personal or family connexions in that country, and no solid foundation of power, he found at last that he had lavished away the frugality of a whole life, in order to procure a splendid title; and that his absence from England, joined to the weakness of his brother's government, gave reins to the factious and turbulent dispositions of the English barons, and involved his own country and family in great calamities.

Discontents of the barons.

THE successful revolt of the nobility from king John, and their imposing on him and his successors limitations of their royal power, had made them feel

[s] M. Paris, p. 638. The same author, a few pages before, makes Richard's treasures amount to little more than half the sum, p. 634. The king's dissipations and expences, throughout his whole reign, according to the same author, had amounted only to about 940,000 marks, p. 638.

[t] The sums mentioned by ancient authors, who were almost all monks, are often improbable, and never consistent. But we know, from an infallible authority, the public remonstrances to the council of Lyons, that the king's revenues were below 60,000 marks a year. His brother therefore could never have been master of 700,000 marks; especially as he did not sell his estates in England, as we learn from the same author: And we hear afterwards of his ordering all his woods to be cut, in order to satisfy the rapacity of the German princes: His son succeeded to the earldom of Cornwal and his other revenues.

their

CHAP. XII. 1255. their own weight and importance, had ſet a dangerous precedent of reſiſtance, and being followed by a long minority, had impoveriſhed as well as weakened that crown, which they were at laſt induced, from the fear of worſe conſequences, to replace on the head of young Henry. In the king's ſituation, either great abilities and vigour were requiſite to overawe the barons, or great caution and reſerve to give them no pretence for complaints; and it muſt be confeſſed, that this prince was poſſeſſed of neither of theſe talents. He had not prudence to chuſe right meaſures; he wanted even that conſtancy which ſometimes gives weight to wrong ones; he was entirely devoted to his favourites, who were always foreigners; he laviſhed on them without diſcretion his diminiſhed revenue; and finding that his barons indulged their diſpoſition towards tyranny, and obſerved not to their own vaſſals the ſame rules which they had impoſed on the crown, he was apt, in his adminiſtration, to neglect all the ſalutary articles of the Great Charter; which he remarked to be ſo little regarded by his nobility. This conduct had extremely leſſened his authority in the kingdom; had multiplied complaints againſt him; and had frequently expoſed him to affronts, and even to dangerous attempts upon his prerogative. In the year 1244, when he deſired a ſupply from parliament, the barons, complaining of the frequent breaches of the Great Charter, and of the many fruitleſs applications which they had formerly made for the redreſs of this and other grievances, demanded in return that he ſhould give them the nomination of the great juſticiary and of the chancellor, to whoſe hands chiefly the adminiſtration of juſtice was committed: And, if we may credit the hiſtorian [u], they had formed the plan of other limitations, as well as of aſſociations to

[u] M. Paris, p. 432.

maintain

maintain them, which would have reduced the king to be an abſolute cypher, and have held the crown in perpetual pupillage and dependance. The king, to ſatisfy them, would agree to nothing but a renewal of the charter, and a general permiſſion to excommunicate all the violaters of it: And he received no ſupply, except a ſcutage of twenty ſhillings on each knight's fee for the marriage of his eldeſt daughter to the king of Scotland; a burthen which was expreſsly annexed to their feudal tenures.

Four years after, in a full parliament, when Henry demanded a new ſupply, he was openly reproached with a breach of his word, and the frequent violations of the charter. He was aſked whether he did not bluſh to deſire any aid from his people, whom he profeſſedly hated and deſpiſed, to whom on all occaſions he preferred aliens and foreigners, and who groaned under the oppreſſions which he either permitted or exerciſed over them. He was told that, beſides diſparaging his nobility by forcing them to contract unequal and mean marriages with ſtrangers, no rank of men was ſo low as to eſcape vexations from him or his miniſters; that even the victuals conſumed in his houſehold, the clothes which himſelf and his ſervants wore, ſtill more the wine which they uſed, were all taken by violence from the lawful owners, and no compenſation was ever made them for the injury; that foreign merchants, to the great prejudice and infamy of the kingdom, ſhunned the Engliſh harbours, as if they were poſſeſſed by pirates, and the commerce with all nations was thus cut off by theſe acts of violence; that loſs was added to loſs, and injury to injury, while the merchants, who had been deſpoiled of their goods, were alſo obliged to carry them at their own charge to whatever place the king was pleaſed to appoint them; that even the poor fiſhermen on the coaſt could not eſcape

 his

CHAP. XII. 1255. his oppressions and those of his courtiers; and finding that they had not full liberty to dispose of their commodities in the English market, were frequently constrained to carry them to foreign ports, and to hazard all the perils of the ocean, rather than those which awaited them from his oppressive emissaries; and that his very religion was a ground of complaint to his subjects, while they observed that the waxen tapers and splendid silks, employed in so many useless processions, were the spoils which he had forcibly ravished from the true owners [w]. Throughout this remonstrance, in which the complaints derived from an abuse of the ancient right of purveyance may be supposed to be somewhat exaggerated, there appears a strange mixture of regal tyranny in the practices which gave rise to it, and of aristocratical liberty, or rather licentiousness, in the expressions employed by the parliament. But a mixture of this kind is observable in all the ancient feudal governments; and both of them proved equally hurtful to the people.

As the king, in answer to their remonstrance, gave the parliament only good words and fair promises, attended with the most humble submissions, which they had often found deceitful, he obtained at that time no supply; and therefore in the year 1253, when he found himself again under the necessity of applying to parliament, he had provided a new pretence, which he deemed infallible, and taking the vow of a crusade, he demanded their assistance in that pious enterprise [x]. The parliament, however, for some time hesitated to comply; and the ecclesiastical order sent a deputation, consisting of four prelates, the primate, and the bishops of Winchester, Salisbury, and Carlisle, in order to remonstrate with him on his frequent violations of their privileges, the oppressions with which

[w] M. Paris, p. 498. See farther, p. 578. M. West. p. 348.
[x] M. Paris, p. 518. 558. 568. Chron. Dunst. vol. i. p. 293.

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he had loaded them and all his ſubjects[y], and the uncanonical and forced elections which were made to vacant dignities. "It is true," replied the king, "I have been ſomewhat faulty in this particular: I "obtruded you, my lord of Canterbury, upon your "ſee: I was obliged to employ both entreaties and "menaces, my lord of Wincheſter, to have you "elected: My proceedings, I confeſs, were very "irregular, my lords of Saliſbury and Carliſle, "when I raiſed you from the loweſt ſtations to your "preſent dignities: I am determined henceforth to "correct theſe abuſes; and it will alſo become you, "in order to make a thorough reformation, to re- "ſign your preſent benefices; and try to enter "again in a more regular and canonical manner[z]." The biſhops, ſurpriſed at theſe unexpected ſarcaſms, replied, that the queſtion was not at preſent how to correct paſt errors, but to avoid them for the future. The king promiſed redreſs both of eccleſiaſtical and civil grievances; and the parliament in return agreed to grant him a ſupply, a tenth of the eccleſiaſtical benefices, and a ſcutage of three marks on each knight's fee: But as they had experienced his frequent breach of promiſe, they required that he ſhould ratify the Great Charter in a manner ſtill more authentic and more ſolemn than any which he had hitherto employed. All the prelates and abbots were aſſembled: They held burning tapers in their hands: The Great Charter was read before them: They denounced the ſentence of excommunication againſt every one who ſhould thenceforth violate the fundamental law: They threw their tapers on the ground, and exclaimed, *May the ſoul of every one who incurs this ſentence ſo ſtink and corrupt in hell!* The king bore a part in this ceremony; and ſubjoined: "So help me God, I will keep all theſe "articles inviolate, as I am a man, as I am a chriſ-

[y] M. Paris, p. 568. [z] Ibid. p. 579.

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"tian, as I am a knight, and as I am a king "crowned and anointed[a]." Yet was the tremendous ceremony no ſooner finiſhed than his favourites, abuſing his weakneſs, made him return to the ſame arbitrary and irregular adminiſtration; and the reaſonable expectations of his people were thus perpetually eluded and diſappointed[b].

1258. Simon de Mountfort earl of Leiceſter.

ALL theſe imprudent and illegal meaſures afforded a pretence to Simon de Mountfort, earl of Leiceſter, to attempt an innovation in the government, and to wreſt the ſceptre from the feeble and irreſolute hand which held it. This nobleman was a younger ſon of that Simon de Mountfort, who had conducted with ſuch valour and renown the cruſade againſt the Albigenſis, and who, though he tarniſhed his famous exploits by cruelty and ambition, had left a name very precious to all the bigots of that age, particularly to the eccleſiaſtics. A large inheritance in England fell by ſucceſſion to this family; but as the elder brother enjoyed ſtill more opulent poſſeſſions in France, and could not perform fealty to two maſters, he transferred his right to Simon, his younger brother, who came over to England, did homage for his lands, and was raiſed to the dignity of earl of Leiceſter. In the year 1238, he eſpouſed Eleanor dowager of William earl of Pembroke, and ſiſter to the king[c]; but the marriage of this princeſs with a ſubject and a foreigner, though contracted with Henry's conſent, was loudly complained of by the earl of Cornwal and all the barons of England; and Leiceſter was ſupported againſt their violence by the king's favour and authority alone[d]. But he had no ſooner eſtabliſhed himſelf in his poſſeſſions and dignities, than he acquired, by inſinuation and addreſs, a ſtrong intereſt with the nation, and gained equally

[a] M. Paris, p. 580. Ann. Burt. p. 323. Ann. Waverl. p. 210. W. Heming. p. 571. M. Weſt. p. 353. [b] M. Paris, p. 597. 608. [c] Ibid. p. 314. [d] Ibid. p. 315.

the

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the affections of all orders of men. He lost, however, the friendship of Henry from the usual levity and fickleness of that prince; he was banished the court; he was recalled; he was entrusted with the command of Guienne[e], where he did good service and acquired honour; he was again disgraced by the king, and his banishment from court seemed now final and irrevocable. Henry called him traitor to his face; Leicester gave him the lie, and told him that if he were not his sovereign he would soon make him repent of that insult. Yet was this quarrel accommodated, either from the good-nature or timidity of the king; and Leicester was again admitted into some degree of favour and authority. But as this nobleman was become too great to preserve an entire complaisance to Henry's humours, and to act in subserviency to his other minions; he found more advantage in cultivating his interest with the public, and in enflaming the general discontents which prevailed against the administration. He filled every place with complaints against the infringement of the Great Charter, the acts of violence committed on the people, the combination between the pope and the king in their tyranny and extortions, Henry's neglect of his native subjects and barons; and though himself a foreigner, he was more loud than any in representing the indignity of submitting to the dominion of foreigners. By his hypocritical pretensions to devotion he gained the favour of the zealots and clergy: By his seeming concern for public good he acquired the affections of the public: And besides the private friendships which he had cultivated with the barons, his animosity against the favourites created an union of interests between him and that powerful order.

A RECENT quarrel which broke out between Leicester and William de Valence, Henry's half-bro-

[e] Rymer, vol. i. p. 459. 513.

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ther, and chief ſavourite, brought matters to extremity [f], and determined the former to give full ſcope to his bold and unbounded ambition, which the laws and the king's authority had hitherto with difficulty reſtrained. He ſecretly called a meeting of the moſt conſiderable barons, particularly Humphrey de Bohun high conſtable, Roger Bigod earl mareſchal, and the earls of Warwic and Glouceſter; men who by their family and poſſeſſions ſtood in the firſt rank of the Engliſh nobility. He repreſented to this company the neceſſity of reforming the ſtate, and of putting the execution of the laws into other hands than thoſe which had hitherto appeared, from repeated experience, ſo unfit for the charge with which they were entruſted. He exaggerated the oppreſſions exerciſed againſt the lower orders of the ſtate, the violations of the barons' privileges, the continued depredations made on the clergy, and, in order to aggravate the enormity of his conduct, he appealed to the Great Charter, which Henry had ſo often ratified, and which was calculated to prevent for ever the return of thoſe intolerable grievances. He magnified the generoſity of their anceſtors, who, at a great expence of blood, had extorted that famous conceſſion from the crown; but lamented their own degeneracy, who allowed ſo important an advantage, once obtained, to be wreſted from them by a weak prince and by inſolent ſtrangers. And he inſiſted that the king's word, after ſo many ſubmiſſions and fruitleſs promiſes on his part, could no longer be relied on; and that nothing but his abſolute inability to violate national privileges could henceforth enſure the regular obſervance of them.

THESE topics, which were founded in truth, and ſuited ſo well the ſentiments of the company, had the deſired effect; and the barons embraced a reſo-

[f] M. Paris, p. 649.

lution

lution of redreſſing the public grievances, by taking into their own hands the adminiſtration of government. Henry having ſummoned a parliament, in expectation of receiving ſupplies for his Sicilian project, the barons appeared in the hall, clad in complete armour, and with their ſwords by their ſide: The king on his entry, ſtruck with the unuſual appearance, aſked them what was their purpoſe, and whether they pretended to make him their priſoner[g]? Roger Bigod replied in the name of the reſt, that he was not their priſoner, but their ſovereign; that they even intended to grant him large ſupplies, in order to fix his ſon on the throne of Sicily; that they only expected ſome return for this expence and ſervice; and that, as he had frequently made ſubmiſſions to the parliament, had acknowledged his paſt errors, and had ſtill allowed himſelf to be carried into the ſame path, which gave them ſuch juſt reaſon of complaint, he muſt now yield to more ſtrict regulations, and confer authority on thoſe who were able and willing to redreſs the national grievances. Henry, partly allured by the hopes of ſupply, partly intimidated by the union and martial appearance of the barons, agreed to their demand; and promiſed to ſummon another parliament at Oxford, in order to digeſt the new plan of government, and to elect the perſons who were to be entruſted with the chief authority.

1258.

THIS parliament, which the royaliſts, and even the nation, from experience of the confuſions that attended its meaſures, afterwards denominated the *mad parliament*, met on the day appointed; and as all the barons brought along with them their military vaſſals, and appeared with an armed force, the king, who had taken no precautions againſt them, was in reality a priſoner in their hands, and was obliged to ſubmit to all the terms which they were pleaſed to

11th June. Provisions of Oxford.

[g] Annal. Theokeſbury.

impoſe

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impose upon him. Twelve barons were selected from among the king's ministers, twelve more were chosen by parliament: To these twenty-four, unlimited authority was granted to reform the state; and the king himself took an oath, that he would maintain whatever ordinances they should think proper to enact for that purpose[h]. Leicester was at the head of this supreme council, to which the legislative power was thus in reality transferred; and all their measures were taken by his secret influence and direction. The first step bore a specious appearance, and seemed well calculated for the end which they professed to be the object of all these innovations: They ordered that four knights should be chosen by each county; that they should make inquiry into the grievances of which their neighbourhood had reason to complain, and should attend the ensuing parliament, in order to give information to that assembly of the state of their particular counties[i]: A nearer approach to our present constitution than had been made by the barons in the reign of king John, when the knights were only appointed to meet in their several counties, and there to draw up a detail of their grievances. Meanwhile the twenty-four barons proceeded to enact some regulations, as a redress of such grievances as were supposed to be sufficiently notorious. They ordered that three sessions of parliament should be regularly held every year, in the months of February, June, and October; that a new sheriff should be annually elected by the votes of the freeholders in each county[k]; that the sheriffs should have no power of fining the barons who did not attend their courts, or the circuits of the justiciaries; that no heirs should be committed to the wardship of foreigners, and no castles intrusted to their custody; and that no new

[h] Rymer, vol. i. p. 655. Chron. Dunst. vol. i. p. 334. Knyghton, p. 2445. [i] M. Paris, p. 657. Addit. p. 140. Ann. Burt. p. 412. [k] Chron. Dunst. vol. i. p. 336.

warrens

warrens or forests should be created, nor the revenues of any counties or hundreds be let to farm. Such were the regulations which the twenty-four barons established at Oxford, for the redress of public grievances. CHAP. XII. 1258.

But the earl of Leicester and his associates, having advanced so far to satisfy the nation, instead of continuing in this popular course, or granting the king that supply which they had promised him, immediately provided for the extension and continuance of their own authority. They roused anew the popular clamour which had long prevailed against foreigners; and they fell with the utmost violence on the king's half-brothers, who were supposed to be the authors of all national grievances, and whom Henry had no longer any power to protect. The four brothers, sensible of their danger, took to flight, with an intention of making their escape out of the kingdom; they were eagerly pursued by the barons; Aymer, one of the brothers, who had been elected to the see of Winchester, took shelter in his episcopal palace, and carried the others along with him; they were surrounded in that place, and threatened to be dragged out by force, and to be punished for their crimes and misdemeanors; and the king, pleading the sacredness of an ecclesiastical sanctuary, was glad to extricate them from this danger by banishing them the kingdom. In this act of violence, as well as in the former usurpations of the barons, the queen and her uncles were thought to have secretly concurred; being jealous of the credit acquired by the brothers, which, they found, had eclipsed and annihilated their own.

Usurpations of the barons.

But the subsequent proceedings of the twenty-four barons were sufficient to open the eyes of the nation, and to prove their intention of reducing, for ever, both the king and the people under the arbitrary power of a very narrow aristocracy, which must at last have terminated either in anarchy, or in a violent usurpation, and tyranny. They pretended that

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that they had not yet digested all the regulations necessary for the reformation of the state and for the redress of grievances; and they must still retain their power, till that great purpose were thoroughly effected: In other words, that they must be perpetual governors, and must continue to reform, till they were pleased to abdicate their authority. They formed an association among themselves, and swore that they would stand by each other with their lives and fortunes: They displaced all the chief officers of the crown, the justiciary, the chancellor, the treasurer; and advanced either themselves or their own creatures in their place: Even the offices of the king's household were disposed of at their pleasure: The government of all the castles was put into hands in whom they found reason to confide: And the whole power of the state being thus transferred to them, they ventured to impose an oath, by which all the subjects were obliged to swear, under the penalty of being declared public enemies, that they would obey and execute all the regulations, both known and unknown, of the twenty-four barons: And all this, for the greater glory of God, the honour of the church, the service of the king, and the advantage of the kingdom[l]. No one dared to withstand this tyrannical authority: Prince Edward himself, the king's eldest son, a youth of eighteen, who began to give indications of that great and manly spirit which appeared throughout the whole course of his life, was, after making some opposition, constrained to take that oath, which really deposed his father and his family from sovereign authority[m]. Earl Warrenne was the last person in the kingdom that could be brought to give the confederated barons this mark of submission.

But the twenty-four barons, not content with the usurpation of the royal power, introduced an innovation in the constitution of parliament which was

[l] Chron. T. Wykes, p. 52. [m] Ann. Burt. p. 411.

of the utmost importance. They ordained, that this assembly should chuse a committee of twelve persons, who should, in the intervals of the sessions, possess the authority of the whole parliament, and should attend, on a summons, the person of the king, in all his motions. But so powerful were these barons, that this regulation was also submitted to; the whole government was overthrown, or fixed on new foundations; and the monarchy was totally subverted, without its being possible for the king to strike a single stroke in defence of the constitution against the newly-elected oligarchy.

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THE report that the king of the Romans intended to pay a visit to England, gave alarm to the ruling barons, who dreaded lest the extensive influence and established authority of that prince would be employed to restore the prerogatives of his family, and overturn their plan of government[n]. They sent over the bishop of Worcester, who met him at St. Omars; asked him, in the name of the barons, the reason of his journey, and how long he intended to stay in England; and insisted that, before he entered the kingdom, he should swear to observe the regulations established at Oxford. On Richard's refusal to take this oath, they prepared to resist him as a public enemy; they fitted out a fleet, assembled an army, and exciting the inveterate prejudices of the people against foreigners, from whom they had suffered so many oppressions, spread the report, that Richard, attended by a number of strangers, meant to restore by force the authority of his exiled brothers, and to violate all the securities provided for public liberty. The king of the Romans was at last obliged to submit to the terms required of him[o]. 1259.

BUT the barons, in proportion to their continuance in power, began gradually to lose that popu-

[n] M. Paris, p. 661.

[o] Ibid. p. 661, 662. Chron. T. Wykes, p. 53.

larity

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larity which had aſſiſted them in obtaining it; and men repined, that regulations, which were occaſionally eſtabliſhed for the reformation of the ſtate, were likely to become perpetual, and to ſubvert entirely the ancient conſtitution. They were apprehenſive leſt the power of the nobles, always oppreſſive, ſhould now exert itſelf without control, by removing the counterpoiſe of the crown; and their fears were increaſed by ſome new edicts of the barons, which were plainly calculated to procure to themſelves an impunity in all their violences. They appointed that the circuits of the itinerant juſtices, the ſole check on their arbitrary conduct, ſhould be held only once in ſeven years; and men eaſily ſaw that a remedy, which returned after ſuch long intervals, againſt an oppreſſive power, which was perpetual, would prove totally inſignificant and uſeleſs [p]. The cry became loud in the nation, that the barons ſhould finiſh their intended regulations. The knights of the ſhires, who ſeem now to have been pretty regularly aſſembled, and ſometimes in a ſeparate houſe, made remonſtrances againſt the ſlowneſs of their proceedings. They repreſented that, though the king had performed all the conditions required of him, the barons had hitherto done nothing for the public good, and had only been careful to promote their own private advantage, and to make inroads on royal authority; and they even appealed to prince Edward, and claimed his interpoſition for the intereſts of the nation and the reformation of the government [q]. The prince replied, that though it was from conſtraint, and contrary to his private ſentiments, he had ſworn to maintain the proviſions of Oxford, he was determined to obſerve his oath: But he ſent a meſſage to the barons, requiring them to bring their undertaking to a ſpeedy concluſion, and fulfil their engagements to the public: Otherwiſe,

[p] M. Paris, p. 667. Trivet, p. 209. [q] Annal. Burt. p. 427.

he menaced them, that at the expence of his life he would oblige them to do their duty, and would ſhed the laſt drop of his blood in promoting the intereſts, and ſatisfying the juſt wiſhes of the nation [r]. CHAP. XII. 1259.

THE barons, urged by ſo preſſing a neceſſity, publiſhed at laſt a new code of ordinances for the reformation of the ſtate [s]: But the expectations of the people were extremely diſappointed, when they found that theſe conſiſted only of ſome trivial alterations in the municipal law; and ſtill more, when the barons pretended that the taſk was not yet finiſhed, and that they muſt farther prolong their authority, in order to bring the work of reformation to the deſired period. The current of popularity was now much turned to the ſide of the crown; and the barons had little to rely on for their ſupport, beſides the private influence and power of their families, which, though exorbitant, was likely to prove inferior to the combination of king and people. Even this baſis of power was daily weakened by their inteſtine jealouſies and animoſities; their ancient and inveterate quarrels broke out when they came to ſhare the ſpoils of the crown; and the rivalſhip between the earls of Leiceſter and Gloceſter, the chief leaders among them, began to disjoint the whole confederacy. The latter, more moderate in his pretenſions, was deſirous of ſtopping or retarding the career of the barons' uſurpations; but the former, enraged at the oppoſition which he met with in his own party, pretended to throw up all concern in Engliſh affairs; and he retired into France [t].

THE kingdom of France, the only ſtate with which England had any conſiderable intercourſe, was at this time governed by Lewis IX. a prince of the moſt ſingular character that is to be met with in all records of hiſtory. This monarch united, to the mean and abject ſuperſtition of a monk, all the

[r] Annal. Burt. p. 427. [s] Ibid. p. 428. 439.
[t] Chron. Dunſt. vol. i. p. 348.

courage

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20th May. ance with Henry. He made a treaty with England, at a time when the diſtractions of that kingdom were at the greateſt height, and when the king's authority was totally annihilated; and the terms which he granted might, even in a more proſperous ſtate of their affairs, be deemed reaſonable and advantageous to the Engliſh. He yielded up ſome territories which had been conquered from Poictou and Guienne; he enſured the peaceable poſſeſſion of the latter province to Henry; he agreed to pay that prince a large ſum of money; and he only required that the king ſhould, in return, make a final ceſſion of Normandy, and the other provinces, which he could never entertain any hopes of recovering by force

[u] M. Paris, p. 604.

of arms [w]. This cession was ratified by Henry, by his two sons and two daughters, and by the king of the Romans and his three sons: Leicester alone, either moved by a vain arrogance, or desirous to ingratiate himself with the English populace, protested against the deed, and insisted on the right, however distant, which might accrue to his consort [x]. Lewis saw, in this obstinacy, the unbounded ambition of the man; and as the barons insisted that the money due by treaty should be at their disposal, not at Henry's, he also saw, and probably with regret, the low condition to which this monarch, who had more erred from weakness than from any bad intentions, was reduced by the turbulence of his own subjects.

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But the situation of Henry soon after wore a more favourable aspect. The twenty-four barons had now enjoyed the sovereign power near three years; and had visibly employed it, not for the reformation of the state, which was their first pretence, but for the aggrandisement of themselves and of their families. The breach of trust was apparent to all the world: Every order of men felt it, and murmured against it: The dissensions among the barons themselves, which increased the evil, made also the remedy more obvious and easy: And the secret desertion, in particular, of the earl of Glocester to the crown, seemed to promise Henry certain success in any attempt to resume his authority. Yet durst he not take that step, so reconcileable both to justice and policy, without making a previous application to Rome, and desiring an absolution from his oaths and engagements [y]. 1261.

The pope was at this time much dissatisfied with the conduct of the barons; who, in order to gain the favour of the people and clergy of England, had

[w] Rymer, vol. i. p. 675. M. Paris, p. 566. Chron. T. Wykes, p. 53. Trivet, p. 208. M. West. p. 371.
[x] Chron. T. Wykes, p. 53. [y] Ann. Burt. p. 389.

expelled

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expelled all the Italian ecclesiastics, had confiscated their benefices, and seemed determined to maintain the liberties and privileges of the English church, in which the rights of patronage, belonging to their own families, were included. The extreme animosity of the English clergy against the Italians was also a source of his disgust to this order; and an attempt which had been made by them for farther liberty and greater independence on the civil power, was therefore less acceptable to the court of Rome[z]. About the same time that the barons at Oxford had annihilated the prerogatives of the monarchy, the clergy met in a synod at Merton, and passed several ordinances, which were no less calculated to promote their own grandeur at the expence of the crown. They decreed, that it was unlawful to try ecclesiastics by secular judges; that the clergy were not to regard any prohibitions from civil courts; that lay-patrons had no right to confer spiritual benefices; that the magistrate was obliged, without farther enquiry, to imprison all excommunicated persons; and that ancient usage, without any particular grant or charter, was a sufficient authority for any clerical possessions or privileges[a]. About a century before, these claims would have been supported by the court of Rome beyond the most fundamental articles of faith: They were the chief points maintained by the great martyr, Becket; and his resolution in defending them had exalted him to the high station which he held in the catalogue of Romish saints. But principles were changed with the times: The pope was become somewhat jealous of the great independence of the English clergy, which made them stand less in need of his protection, and even emboldened them to resist his authority, and to complain of the preference given to the Italian courtiers, whose interests,

[z] Rymer, vol. i. p. 755. [a] Ann. Burt. p. 389.

it

it is natural to imagine, were the chief object of his concern. He was ready, therefore, on the king's application, to annul these new constitutions of the church of England[b]. And, at the same time, he absolved the king and all his subjects from the oath which they had taken to observe the provisions of Oxford[c]. CHAP. XII. 1261.

Prince Edward.

PRINCE Edward, whose liberal mind, though in such early youth, had taught him the great prejudice which his father had incurred, by his levity, inconstancy, and frequent breach of promise, refused for a long time to take advantage of this ablution; and declared that the provisions of Oxford, how unreasonable soever in themselves, and how much soever abused by the barons, ought still to be adhered to by those who had sworn to observe them[d]. He himself had been constrained by violence to take that oath; yet was he determined to keep it. By this scrupulous fidelity, the prince acquired the confidence of all parties, and was afterwards enabled to recover fully the royal authority, and to perform such great actions, both during his own reign and that of his father.

THE situation of England, during this period, as well as that of most European kingdoms, was somewhat peculiar. There was no regular military force maintained in the nation: The sword, however, was not, properly speaking, in the hands of the people: The barons were alone entrusted with the defence of the community; and after any effort which they made, either against their own prince or against foreigners, as the military retainers departed home, the armies were disbanded, and could not speedily be re-assembled at pleasure. It was easy, therefore, for a few barons, by a combination, to get the start of the other party, to collect suddenly their troops,

b Rymer, vol. i. p. 755. c Rymer, vol. i. p. 722. M. Paris, p. 666. W. Heming. p. 580. Ypod. Neust. p. 468. Knyghton. p. 2446. d M. Paris, p. 667.

CHAP. XII. 1261. and to appear unexpectedly in the field with an army, which their antagonifts, though equal, or even fuperior in power and intereft, would not dare to encounter. Hence the fudden revolutions, which often took place in thofe governments: Hence the frequent victories obtained without a blow by one faction over the other: And hence it happened, that the feeming prevalence of a party was feldom a prognoftic of its long continuance in power and authority.

1262. THE king, as foon as he received the pope's abfolution from his oath, accompanied with menaces of excommunication againft all opponents, trufting to the countenance of the church, to the fupport promifed him by many confiderable barons, and to the returning favour of the people, immediately took off the mafk. After juftifying his conduct by a proclamation, in which he fet forth the private ambition, and the breach of truft, confpicuous in Leicefter and his affociates, he declared, that he had refumed the government, and was determined thenceforth to exert the royal authority for the protection of his fubjects. He removed Hugh le Defpenfer and Nicholas de Ely, the jufticiary and chancellor appointed by the barons; and put Philip Baffet and Walter de Merton in their place. He fubftituted new fheriffs in all the counties, men of character and honour: He placed new governors in moft of the caftles: He changed all the officers 23d Apr. of his houfehold: He fummoned a parliament, in which the refumption of his authority was ratified, with only five diffenting voices: And the barons, after making one fruitlefs effort to take the king by furprife at Winchefter, were obliged to acquiefce in thofe new regulations [e].

THE king, in order to cut off every objection to his conduct, offered to refer all the differences

[e] M. Paris, p. 668. Chron. T. Wykes, p. 55.

between

between him and the earl of Leicester, to Margaret queen of France[f]. The celebrated integrity of Lewis gave a mighty influence to any decision which issued from his court; and Henry probably hoped that the gallantry, on which all barons, as true knights, valued themselves, would make them ashamed not to submit to the award of that princess. Lewis merited the confidence reposed in him. By an admirable conduct, probably as political as just, he continually interposed his good offices to allay the civil discords of the English: He forwarded all healing measures, which might give security to both parties: And he still endeavoured, though in vain, to sooth by persuasion the fierce ambition of the earl of Leicester, and to convince him how much it was his duty to submit peaceably to the authority of his sovereign.

1262.

THAT bold and artful conspirator was nowise discouraged by the bad success of his past enterprises. The death of Richard earl of Glocester, who was his chief rival in power, and who, before his decease, had joined the royal party, seemed to open a new field to his violence, and to expose the throne to fresh insults and injuries. It was in vain that the king professed his intentions of observing strictly the Great Charter, even of maintaining all the regulations made by the reforming barons at Oxford or afterwards, except those which entirely annihilated the royal authority: These powerful chieftains, now obnoxious to the court, could not peaceably resign the hopes of entire independence and uncontrolled power, with which they had flattered themselves, and which they had so long enjoyed. Many of them engaged in Leicester's views; and among the rest, Gilbert the young earl of Glocester, who brought him a mighty accession of power, from the extensive authority possessed by that opulent family.

1263.

Civil wars of the barons.

[f] Rymer, vol. i. p. 724.

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Even Henry, ſon of the king of the Romans, commonly called Henry d'Allmaine, though a prince of the blood, joined the party of the barons againſt the king, the head of his own family. Leiceſter himſelf, who ſtill reſided in France, ſecretly formed the links of this great conſpiracy, and planned the whole ſcheme of operations.

The princes of Wales, notwithſtanding the great power of the monarchs, both of the Saxon and Norman line, ſtill preſerved authority in their own country. Though they had often been conſtrained to pay tribute to the crown of England, they were with difficulty retained in ſubordination, or even in peace; and almoſt through every reign ſince the conqueſt, they had infeſted the Engliſh frontiers with ſuch petty incurſions and ſudden inroads, as ſeldom merit to have place in a general hiſtory. The Engliſh, ſtill content with repelling their invaſions, and chaſing them back into their mountains, had never purſued the advantages obtained over them, nor been able, even under their greateſt and moſt active princes, to fix a total, or ſo much as a feudal ſubjection on the country. This advantage was reſerved to the preſent king, the weakeſt and moſt indolent. In the year 1237, Lewellyn prince of Wales, declining in years and broken with infirmities, but ſtill more haraſſed with the rebellion and undutiful behaviour of his youngeſt ſon Griffin, had recourſe to the protection of Henry; and conſenting to ſubject his principality, which had ſo long maintained, or ſoon recovered, its independence, to vaſſalage under the crown of England, had purchaſed ſecurity and tranquillity on theſe diſhonourable terms. His eldeſt ſon and heir, David, renewed the homage to England; and having taken his brother priſoner, delivered him into Henry's hands, who committed him to cuſtody in the Tower. That prince, endeavouring to make his eſcape, loſt his life in the attempt; and the prince of Wales,

freed

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freed from the apprehensions of so dangerous a rival, paid thenceforth less regard to the English monarch, and even renewed those incursions, by which the Welsh, during so many ages, had been accustomed to infest the English borders. Lewellyn, however, the son of Griffin, who succeeded to his uncle, had been obliged to renew the homage, which was now claimed by England as an established right; but he was well pleased to inflame those civil discords, on which he rested his present security, and founded his hopes of future independence. He entered into a confederacy with the earl of Leicester, and collecting all the force of his principality, invaded England with an army of 30,000 men. He ravaged the lands of Roger de Mortimer, and of all the barons who adhered to the crown[g]; he marched into Cheshire, and committed like depredations on prince Edward's territories; every place where his disorderly troops appeared was laid waste with fire and sword; and though Mortimer, a gallant and expert soldier, made stout resistance, it was found necessary that the prince himself should head the army against this invader. Edward repulsed prince Lewellyn, and obliged him to take shelter in the mountains of North Wales: But he was prevented from making farther progress against the enemy, by the disorders which soon after broke out in England.

The Welsh invasion was the appointed signal for the malcontent barons to rise in arms; and Leicester, coming over secretly from France, collected all the forces of his party, and commenced an open rebellion. He seized the person of the bishop of Hereford; a prelate obnoxious to all the inferior clergy, on account of his devoted attachment to the court of Rome[h]. Simon bishop of Norwich, and John Mansel, because they had published the pope's bull,

[g] Chron. Dun. vol. i. p. 354. M. West. p. 382. 392.

[h] Trivet, p. 211.

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absolving the king and kingdom from their oaths to observe the provisions of Oxford, were made prisoners, and exposed to the rage of the party. The king's demesnes were ravaged with unbounded fury [i]; and as it was Leicester's interest to allure to his side, by the hopes of plunder, all the disorderly ruffians in England, he gave them a general licence to pillage the barons of the opposite party, and even all neutral persons. But one of the principal resources of his faction was the populace of the cities, particularly of London; and as he had, by his hypocritical pretensions to sanctity, and his zeal against Rome, engaged the monks and lower ecclesiastics in his party, his dominion over the inferior ranks of men became uncontrollable. Thomas Fitz-Richard mayor of London, a furious and licentious man, gave the countenance of authority to these disorders in the capital; and having declared war against the substantial citizens, he loosened all the bands of government, by which that turbulent city was commonly, but ill restrained. On the approach of Easter, the zeal of superstition, the appetite for plunder, or what is often as prevalent with the populace as either of these motives, the pleasure of committing havoc and destruction, prompted them to attack the unhappy Jews, who were first pillaged without resistance, then massacred to the number of five hundred persons [k]. The Lombard bankers were next exposed to the rage of the people; and though, by taking sanctuary in the churches, they escaped with their lives, all their money and goods became a prey to the licentious multitude. Even the houses of the rich citizens, though English, were attacked by night; and way was made by sword and by fire to the pillage of their goods, and often to the destruction of their persons. The queen, who, though defended by the Tower, was

[i] Trivet, p. 211. M. West. p. 382.
[k] Chron. T. Wykes, p. 59.

terrified

terrified by the neighbourhood of ſuch dangerous commotions, reſolved to go by water to the caſtle of Windſor; but as ſhe approached the bridge, the populace aſſembled againſt her: The cry ran, *drown the witch*; and beſides abuſing her with the moſt opprobrious language, and pelting her with rotten eggs and dirt, they had prepared large ſtones to ſink her barge, when ſhe ſhould attempt to ſhoot the bridge; and ſhe was ſo frightened, that ſhe returned to the Tower [l].

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THE violence and fury of Leiceſter's faction had riſen to ſuch a height in all parts of England, that the king, unable to reſiſt their power, was obliged to ſet on foot a treaty of peace; and to make an accommodation with the barons on the moſt diſadvantageous terms [m]. He agreed to confirm anew the proviſions of Oxford, even thoſe which entirely annihilated the royal authority; and the barons were again re-inſtated in the ſovereignty of the kingdom. They reſtored Hugh le Deſpenſer to the office of chief juſticiary; they appointed their own creatures ſheriffs in every county of England; they took poſſeſſion of all the royal caſtles and fortreſſes; they even named all the officers of the king's houſehold; and they ſummoned a parliament to meet at Weſtminſter, in order to ſettle more fully their plan of government. They here produced a new liſt of twenty-four barons, to whom they propoſed that the adminiſtration ſhould be entirely committed; and they inſiſted that the authority of this junto ſhould continue, not only during the reign of the king, but alſo during that of prince Edward.

18th July.

14th Oct.

THIS prince, the life and ſoul of the royal party, had unhappily, before the king's accommodation with the barons, been taken priſoner by Leiceſter in a parley at Windſor [n]; and that misfortune, more than any other incident, had determined Henry to

[l] Chron. T. Wykes, p. 57. [m] Chron. Dunſt. vol. i. p. 358. Trivet, p. 211. [n] M. Paris, p. 669. Trivet, p. 213.

 ſubmit

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ſubmit to the ignominious conditions impoſed upon him. But Edward having recovered his liberty by the treaty, employed his activity in defending the prerogatives of his family; and he gained a great party even among thoſe who had at firſt adhered to the cauſe of the barons. His couſin Henry d'Allmaine, Roger Bigod earl marſhal, earl Warrenne, Humphrey Bohun earl of Hereford, John lord Baſſet, Ralph Baſſet, Hamond l'Eſtrange, Roger Mortimer, Henry de Piercy, Robert de Brus, Roger de Leybourne, with almoſt all the lords marchers, as they were called, on the borders of Wales and of Scotland, the moſt warlike parts of the kingdom, declared in favour of the royal cauſe; and hoſtilities, which were ſcarcely well compoſed, were again renewed in every part of England. But the near balance of the parties, joined to the univerſal clamour of the people, obliged the king and barons to open anew the negotiations for peace; and it was agreed by both ſides to ſubmit their differences to the arbitration of the king of France [o].

Reference to the king of France.

THIS virtuous prince, the only man who, in like circumſtances, could ſafely have been intruſted with ſuch an authority by a neighbouring nation, had never ceaſed to interpoſe his good offices between the Engliſh factions; and had even, during the ſhort interval of peace, invited over to Paris both the king and the earl of Leiceſter, in order to accommodate the differences between them; but found, that the fears and animoſities on both ſides, as well as the ambition of Leiceſtr, were ſo violent, as to render all his endeavours ineffectual. But when this ſolemn appeal, ratified by the oaths and ſubſcriptions of the leaders in both factions, was made to his judgment, he was not diſcouraged from purſuing his honourable purpoſe: He ſum-

[o] M. Paris, p. 668. Chron. T. Wykes, p. 58. W. Heming. p. 580. Chron. Dunſt. vol. i. p. 363.

moned

1264.

moned the ſtates of France at Amiens; and there, in the preſence of that aſſembly, as well as in that of the king of England and Peter de Montfort, Leiceſter's ſon, he brought this great cauſe to a trial and examination. It appeared to him, that the proviſions of Oxford, even had they not been extorted by force, had they not been ſo exorbitant in their nature, and ſubverſive of the ancient conſtitution, were expreſsly eſtabliſhed as a temporary expedient, and could not, without breach of truſt, be rendered perpetual by the barons. He therefore annulled theſe proviſions; reſtored to the king the poſſeſſion of his caſtles, and the power of nomination to the great offices; allowed him to retain what foreigners he pleaſed in his kingdom, and even to confer on them places of truſt and dignity; and, in a word, re-eſtabliſhed the royal power in the ſame condition on which it ſtood before the meeting of the parliament at Oxford. But while he thus ſuppreſſed dangerous innovations, and preſerved unimpaired the prerogatives of the Engliſh crown, he was not negligent of the rights of the people; and beſides ordering that a general amneſty ſhould be granted for all paſt offences, he declared, that his award was not any wiſe meant to derogate from the privileges and liberties which the nation enjoyed by any former conceſſions or charters of the crown [p]. 23d Jan.

THIS equitable ſentence was no ſooner known in England, than Leiceſter and his confederates determined to reject it, and to have recourſe to arms, in order to procure to themſelves more ſafe and advantageous conditions [q]. Without regard to his oaths and ſubſcriptions, that enterpriſing conſpirator directed his two ſons, Richard and Peter de Montfort, in conjunction with Robert de Ferrars earl of Derby, to attack the city of Worceſter; while Henry and

Renewal of the civil wars.

[p] Rymer, vol. i. p. 776, 777, &c. Chron. T. Wykes, p. 58. Knyghton, p. 2446. [q] Chron. Dunſt. vol. i. p. 363.

Simon

CHAP. XII. 1264. Simon de Montfort, two others of his ſons, aſſiſted by the prince of Wales, were ordered to lay waſte the eſtate of Roger de Mortimer. He himſelf reſided at London; and employing as his inſtrument Fitz-Richard the ſeditious mayor, who had violently and illegally prolonged his authority, he wrought up that city to the higheſt ferment and agitation. The populace formed themſelves into bands and companies; choſe leaders; practiſed all military exerciſes; committed violence on the royaliſts: And, to give them greater countenance in their diſorders, an aſſociation was entered into between the city and eighteen great barons, never to make peace with the king but by common conſent and approbation. At the head of thoſe who ſwore to maintain this aſſociation, were the earls of Leiceſter, Gloceſter, and Derby, with le Deſpenſer the chief juſticiary; men who had all previouſly ſworn to ſubmit to the award of the French monarch. Their only pretence for this breach of faith was, that the latter part of Lewis's ſentence was, as they affirmed, a contradiction to the former: He ratified the charter of liberties, yet annulled the proviſions of Oxford; which were only calculated, as they maintained, to preſerve that charter; and without which, in their eſtimation they had no ſecurity for its obſervance.

The king and prince, finding a civil war inevitable, prepared themſelves for defence; and ſummoning the military vaſſals from all quarters, and being reinforced by Baliol lord of Galloway, Brus lord of Annandale, Henry Piercy, John Comin[r], and other barons of the north, they compoſed an army, formidable, as well from its numbers as its military proweſs and experience. The firſt enterpriſe of the royaliſts was the attack of Northampton, which was defended by Simon de Montfort, with

[r] Rymer, vol. i. p. 772. M. Weſt. p. 385. Ypod. Neuſt. p. 469.

many

many of the principal barons of that party: And a breach being made in the walls by Philip Baffet, the place was carried by affault, and both the governor and the garrifon were made prifoners. The royalifts marched thence to Leicefter and Nottingham; both which places having opened their gates to them, prince Edward proceeded with a detachment into the county of Derby, in order to ravage with fire and fword the lands of the earl of that name, and take revenge on him for his difloyalty. Like maxims of war prevailed with both parties throughout England; and the kingdom was thus expofed in a moment to greater devaftation, from the animofities of the rival barons, than it would have fuffered from many years of foreign or even domeftic hoftilities, conducted by more humane and more generous principles.

CHAP. XII. 1264. 5th April.

THE earl of Leicefter, mafter of London, and of the counties in the fouth-eaft of England, formed the fiege of Rochefter, which alone declared for the king in thofe parts, and which, befides earl Warrenne, the governor, was garrifoned by many noble and powerful barons of the royal party. The king and prince haftened from Nottingham, where they were then quartered, to the relief of the place; and on their approach, Leicefter raifed the fiege, and retreated to London, which, being the centre of his power, he was afraid might, in his abfence, fall into the king's hands, either by force, or by a correfpondence with the principal citizens, who were all fecretly inclined to the royal caufe. Reinforced by a great body of Londoners, and having fummoned his partifans from all quarters, he thought himfelf ftrong enough to hazard a general battle with the royalifts, and to determine the fate of the nation in one great engagement; which, if it proved fuccefsful, muft be decifive againft the king, who had no retreat for his broken troops in thofe parts; while Leicefter himfelf, in cafe of any finifter accident,

CHAP. XII. 1264. dent, could eaſily take ſhelter in the city. To give the better colouring to his cauſe, he previouſly ſent a meſſage with conditions of peace to Henry, ſubmiſſive in the language, but exorbitant in the demands[s]; and when the meſſenger returned with the lie and defiance from the king, the prince, and the king of the Romans, he ſent a new meſſage renouncing, in the name of himſelf and of the aſſociated barons, all fealty and allegiance to Henry. He then marched out of the city with his army, divided into four bodies: The firſt commanded by his two ſons Henry and Guy de Montfort, together with Humphrey de Bohun earl of Hereford, who had deſerted to the barons; the ſecond led by the earl of Gloceſter, with William de Montcheſney and John Fitz-John; the third, compoſed of Londoners, under the command of Nicholas de Segrave; the fourth headed by himſelf in perſon. The biſhop of Chicheſter gave a general abſolution to the army, accompanied with aſſurances that, if any of them fell in the enſuing action, they would infallibly be received into heaven, as the reward of their ſuffering in ſo meritorious a cauſe.

Battle of Lewes. 14th May. LEICESTER, who poſſeſſed great talents for war, conducted his march with ſuch ſkill and ſecrecy, that he had well nigh ſurpriſed the royaliſts in their quarters at Lewes in Suſſex: But the vigilance and activity of prince Edward ſoon repaired this negligence; and he led out the king's army to the field in three bodies. He himſelf conducted the van, attended by earl Warrenne and William de Valence: The main body was commanded by the king of the Romans and his ſon Henry: The king himſelf was placed in the rear at the head of his principal nobility. Prince Edward ruſhed upon the Londoners, who had demanded the poſt of honour in leading the rebel army, but who, from their ignorance of

[s] M. Paris, p. 669. W. Heming. p. 583.

discipline and want of experience, were ill fitted to resist the gentry and military men, of whom the prince's body was composed. They were broken in an instant; were chased off the field; and Edward, transported by his martial ardour, and eager to revenge the insolence of the Londoners against his mother[t], put them to the sword for the length of four miles, without giving them any quarter, and without reflecting on the fate which in the mean time attended the rest of the army. The earl of Leicester, seeing the royalists thrown into confusion by their eagerness in the pursuit, led on his remaining troops against the bodies commanded by the two royal brothers: He defeated with great slaughter the forces headed by the king of the Romans; and that prince was obliged to yield himself prisoner to the earl of Glocester: He penetrated to the body where the king himself was placed, threw it into disorder, pursued his advantage, chased it into the town of Lewes, and obliged Henry to surrender himself prisoner[u]. 1264.

PRINCE Edward, returning to the field of battle from his precipitate pursuit of the Londoners, was astonished to find it covered with the dead bodies of his friends, and still more to hear, that his father and uncle were defeated and taken prisoners, and that Arundel Comyn, Brus, Hamond l'Estrange, Roger Leybourne, and many considerable barons of his party, were in the hands of the victorious enemy. Earl Warrenne, Hugh Bigod, and William de Valence, struck with despair at this event, immediately took to flight, hurried to Pevencey, and made their escape beyond sea[w]: But the prince, intrepid amidst the greatest disasters, exhorted his troops to revenge the death of their friends, to relieve the royal captives, and to snatch an easy conquest from

t M. Paris, p 670. Chron. T. Wykes, p. 62. W. Heming. p. 583. M. West. p. 387. Ypod. Neust. p. 469. H. Knyghton, p. 2450. u M. Paris. p. 670. M. West. p. 387.
w Chron. T. Wykes, p. 63.

an

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an enemy disordered by their own victory[x]. He found his followers intimidated by their situation; while Leicester, afraid of a sudden and violent blow from the prince, amused him by a feigned negotiation, till he was able to recal his troops from the pursuit, and bring them into order[y]. There now appeared no farther resource to the royal party; surrounded by the armies and garrisons of the enemy, destitute of forage and provisions, and deprived of their sovereign, as well as of their principal leaders, who could alone inspirit them to an obstinate resistance. The prince, therefore, was obliged to submit to Leicester's terms, which were short and severe, agreeably to the suddenness and necessity of the situation: He stipulated, that he and Henry d'Allmaine should surrender themselves prisoners as pledges in lieu of the two kings; that all other prisoners on both sides should be released[z]; and, that in order to settle fully the terms of agreement, application should be made to the king of France, that he should name six Frenchmen, three prelates, and three noblemen: These six to chuse two others of their own country: And these two to chuse one Englishman, who, in conjunction with themselves, were to be invested by both parties with full powers to make what regulations they thought proper for the settlement of the kingdom. The prince and young Henry accordingly delivered themselves into Leicester's hands, who sent them under a guard to Dover castle. Such are the terms of agreement commonly called the *Mise* of Lewes, from an obsolete French term of that meaning: For it appears, that all the gentry and nobility of England, who valued themselves on their Norman extraction, and who disdained the language of their native country, made familiar use of the French tongue, till this period and for some time after.

[x] W. Heming. p. 584. [y] W. Heming. p. 584.
[z] M. Paris, p. 671. Knyghton, p. 2451.

LEICESTER

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Leicester had no ſooner obtained this great advantage, and gotten the whole royal family in his power, than he openly violated every article of the treaty, and acted as ſole maſter, and even tyrant of the kingdom. He ſtill detained the king in effect a priſoner, and made uſe of that prince's authority to purpoſes the moſt prejudicial to his intereſts, and the moſt oppreſſive of his people[a]. He every where diſarmed the royaliſts, and kept all his own partiſans in a military poſture[b]: He obſerved the ſame partial conduct in the deliverance of the captives, and even threw many of the royaliſts into priſon, beſides thoſe who were taken in the battle of Lewes: He carried the king from place to place, and obliged all the royal caſtles, on pretence of Henry's commands, to receive a governor and garriſon of his own appointment: All the officers of the crown and of the houſehold were named by him; and the whole authority, as well as arms of the ſtate, was lodged in his hands: He inſtituted in the counties a new kind of magiſtracy, endowed with new and arbitrary powers, that of conſervators of the peace[c]: His avarice appeared barefaced, and might induce us to queſtion the greatneſs of his ambition, at leaſt the largeneſs of his mind, if we had not reaſon to think, that he intended to employ his acquiſitions as the inſtruments for attaining farther power and grandeur. He ſeized the eſtates of no leſs than eighteen barons, as his ſhare of the ſpoil gained in the battle of Lewes: He engroſſed to himſelf the ranſom of all the priſoners; and told his barons, with a wanton inſolence, that it was ſufficient for them, that he had ſaved them by that victory from the forfeitures and attainders which hung over them[d]: He even treated the earl of Gloceſter in the ſame injurious manner, and applied to his own uſe the ranſom of the king of the Romans,

[a] Rymer, vol. i. p. 790, 791, &c. [b] Ibid. p. 795. Brady's Appeals, No. 211, 212. Chron. T. Wykes, p. 63.
[c] Rymer, vol. i. p. 792. [d] Knyghton, p. 2451.

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who in the field of battle had yielded himſelf priſoner to that nobleman. Henry, his eldeſt ſon, made a monopoly of all the wool in the kingdom, the only valuable commodity for foreign markets which it at that time produced[e]. The inhabitants of the cinque-ports, during the preſent diſſolution of government, betook themſelves to the moſt licentious piracy, preyed on the ſhips of all nations, threw the mariners into the ſea, and by theſe practices ſoon baniſhed all merchants from the Engliſh coaſts and harbours. Every foreign commodity roſe to an exorbitant price; and woollen cloth, which the Engliſh had not then the art of dying, was worn by them white, and without receiving the laſt hand of the manufacturer. In anſwer to the complaints which aroſe on this occaſion, Leiceſter replied, that the kingdom could well enough ſubſiſt within itſelf, and needed no intercourſe with foreigners. And it was found, that he even combined with the pirates of the cinque ports, and received as his ſhare the third of their prizes[f].

No farther mention was made of the reference to the king of France, ſo eſſential an article in the agreement of Lewes; and Leiceſter ſummoned a parliament, compoſed altogether of his own partiſans, in order to rivet, by their authority, that power which he had acquired by ſo much violence, and which he uſed with ſo much tyranny and injuſtice. An ordinance was there paſſed, to which the king's conſent had been previouſly extorted, that every act of royal power ſhould be exerciſed by a council of nine perſons, who were to be choſen and removed by the majority of three, Leiceſter himſelf, the earl of Gloceſter, and the biſhop of Chicheſter[g]. By this intricate plan of government, the ſceptre was really put into Leiceſter's hands; as he had the entire direction of the biſhop of Chicheſter, and

[e] Chron. T. Wykes, p. 65. [f] Ibid.
[g] Rymer, vol. i. p. 793. Brady's App. No. 213.

thereby

thereby commanded all the resolutions of the council of three, who could appoint or discard at pleasure every member of the supreme council.

But it was impossible that things could long remain in this strange situation. It behoved Leicester either to descend with some peril into the rank of a subject, or to mount up with no less into that of a sovereign; and his ambition, unrestrained either by fear or by principle, gave too much reason to suspect him of the latter intention. Meanwhile, he was exposed to anxiety from every quarter; and felt that the smallest incident was capable of overturning that immense and ill-cemented fabric which he had reared. The queen, whom her husband had left abroad, had collected in foreign parts an army of desperate adventurers, and had assembled a great number of ships, with a view of invading the kingdom, and of bringing relief to her unfortunate family. Lewis, detesting Leicester's usurpations and perjuries, and disgusted at the English barons, who had refused to submit to his award, secretly favoured all her enterprises, and was generally believed to be making preparations for the same purpose. An English army, by the pretended authority of the captive king, was assembled on the sea-coast to oppose this projected invasion [h]; but Leicester owed his safety more to cross winds, which long detained and at last dispersed and ruined the queen's fleet, than to any resistance which, in their present situation, could have been expected from the English.

Leicester found himself better able to resist the spiritual thunders which were levelled against him. The pope, still adhering to the king's cause against the barons, dispatched cardinal Guido as his legate into England, with orders to excommunicate, by name, the three earls, Leicester, Glocester, and

[h] Brady's App. No. 216, 217. Chron. Dunst. vol. i. p. 373. M. West. p. 315.

 Norfolk,

CHAP. XII. 1264. Norfolk, and all others in general, who concurred in the oppreſſion and captivity of their ſovereign[i]. Leiceſter menaced the legate with death, if he ſet foot within the kingdom; but Guido, meeting in France the biſhops of Wincheſter, London, and Worceſter, who had been ſent thither on a negotiation, commanded them, under the penalty of eccleſiaſtical cenſures, to carry his bull into England, and to publiſh it againſt the barons. When the prelates arrived off the coaſt, they were boarded by the piratical mariners of the cinque-ports, to whom probably they gave a hint of the cargo which they brought along with them: The bull was torn and thrown into the ſea; which furniſhed the artful prelates with a plauſible excuſe for not obeying the orders of the legate. Leiceſter appealed from Guido to the pope in perſon; but, before the ambaſſadors appointed to defend his cauſe could reach Rome, the pope was dead; and they found the legate himſelf, from whom they had appealed, ſeated on the papal throne, by the name of Urban IV. That daring leader was no wiſe diſmayed with this incident; and as he found that a great part of his popularity in England was founded on his oppoſition to the court of Rome, which was now become odious, he perſiſted with the more obſtinacy in the proſecution of his meaſures.

1265. 20th Jan. THAT he might both increaſe and turn to advantage his popularity, Leiceſter ſummoned a new parliament in London, where he knew his power was uncontrollable; and he fixed this aſſembly on a more democratical baſis than any which had ever been ſummoned ſince the foundation of the monarchy. Beſides the barons of his own party, and ſeveral eccleſiaſtics, who were not immediate tenants of the crown; he ordered returns to be made of two knights from each ſhire, and, what is more remarkable, of

House of commons.

[i] Rymer, vol. i. p. 798. Chron. Dunſt. vol. i. p. 373.

deputies

deputies from the boroughs, an order of men, which, in former ages, had always been regarded as too mean to enjoy a place in the national councils[k]. This period is commonly esteemed the epoch of the house of commons in England; and it is certainly the first time that historians speak of any representatives sent to parliament by the boroughs. In all the general accounts given in preceding times of those assemblies, the prelates and barons only are mentioned as the constituent members; and even in the most particular narratives delivered of parliamentary transactions, as in the trial of Thomas a Becket, where the events of each day, and almost of each hour, are carefully recorded by contemporary authors[l], there is not, throughout the whole, the least appearance of a house of commons. But though that house derived its existence from so precarious, and even so invidious, an origin as Leicester's usurpation, it soon proved, when summoned by the legal princes, one of the most useful, and, in process of time, one of the most powerful members of the national constitution; and gradually rescued the kingdom from aristocratical as well as from regal tyranny. But Leicester's policy, if we must ascribe to him so great a blessing, only forwarded by some years an institution, for which the general state of things had already prepared the nation; and it is otherwise inconceivable, that a plant, set by so inauspicious a hand, could have attained to so vigorous a growth, and have flourished in the midst of such tempests and convulsions. The feudal system, with which the liberty, much more the power, of the commons was totally incompatible, began gradually to decline; and both the king and the commonalty, who felt its inconveniences, contributed to favour this new power, which was more submissive than the barons to the regular authority of the crown,

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[k] Rymer, vol. i. p. 802.
[l] Fitz-Stephen, Hist. Quadrip. Hoveden, &c.

and

CHAP. XII. 1265.

and at the ſame time afforded protection to the inferior orders of the ſtate.

LEICESTER, having thus aſſembled a parliament of his own model, and truſting to the attachment of the populace of London, ſeized the opportunity of cruſhing his rivals among the powerful barons. Robert de Ferrars earl of Derby was accuſed in the king's name, ſeized, and committed to cuſtody, without being brought to any legal trial [m]. John Gifford, menaced with the ſame fate, fled from London, and took ſhelter in the borders of Wales. Even the earl of Gloceſter, whoſe power and influence had ſo much contributed to the ſucceſs of the barons, but who of late was extremely diſguſted with Leiceſter's arbitrary conduct, found himſelf in danger from the prevailing authority of his ancient confederate; and he retired from parliament [n]. This known diſſenſion gave courage to all Leiceſter's enemies and to the king's friends, who were now ſure of protection from ſo potent a leader. Though Roger Mortimer, Hamond L'Eſtrange, and other powerful marchers of Wales, had been obliged to leave the kingdom, their authority ſtill remained over the territories ſubjected to their juriſdiction; and there were many others who were diſpoſed to give diſturbance to the new government. The animoſities, inſeparable from the feudal ariſtocracy, broke out with freſh violence, and threatened the kingdom with new convulſions and diſorders.

THE earl of Leiceſter, ſurrounded with theſe difficulties, embraced a meaſure, from which he hoped to reap ſome preſent advantages, but which proved in the end the ſource of all his future calamities. The active and intrepid prince Edward had languiſhed in priſon ever ſince the fatal battle of Lewes; and as he was extremely popular in the

m Chron. T. Wykes, p. 66. Ann. Waverl. p. 216.
n M. Paris, p. 671. Ann. Waverl. p. 216.

kingdom,

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kingdom, there arose a general desire of seeing him again restored to liberty [o]. Leicester finding that he could with difficulty oppose the concurring wishes of the nation, stipulated with the prince, that, in return, he should order his adherents to deliver up to the barons all their castles, particularly those on the borders of Wales; and should swear neither to depart the kingdom during three years, nor introduce into it any foreign forces [p]. The king took an oath to the same effect, and he also passed a charter, in which he confirmed the agreement or *Mise* of Lewes; and even permitted his subjects to rise in arms against him, if he should ever attempt to infringe it [q]. So little care did Leicester take, though he constantly made use of the authority of this captive prince, to preserve to him any appearance of royalty or kingly prerogatives!

In consequence of this treaty, prince Edward was brought into Westminster-hall, and was declared free by the barons: But instead of really recovering his liberty, as he had vainly expected, he found that the whole transaction was a fraud on the part of Leicester; that he himself still continued a prisoner at large, and was guarded by the emissaries of that nobleman; and that, while the faction reaped all the benefit from the performance of his part of the treaty, care was taken that he should enjoy no advantage by it. As Glocester, on his rupture with the barons, had retired for safety to his estates on the borders of Wales; Leicester followed him with an army to Hereford [r], continued still to menace and negotiate; and, that he might add authority to his cause, he carried both the king and prince along with him. The earl of Glocester here concerted with young Edward the manner of that prince's escape. He found means to convey to him a horse of extraordinary 11th Mar.

[o] Knyghton, p. 2451. [p] Ann. Waverl. p. 216.
[q] Blackiston's Mag. Charta. Chron. Dunst. vol. i. p. 378.
[r] Chron. T. Wykes, p. 67. Ann. Waverl. p. 218. W. Heming. p. 585. Chron. Dunst. vol. i. p. 383, 384.

 swiftness;

CHAP. XII. 1265. 28th May. ſwiftneſs; and appointed Roger Mortimer, who had returned into the kingdom, to be ready at hand with a ſmall party to receive the prince, and to guard him to a place of ſafety. Edward pretended to take the air with ſome of Leiceſter's retinue, who were his guards; and making matches between their horſes, after he thought he had tired and blown them ſufficiently, he ſuddenly mounted Gloceſter's horſe, and called to his attendants, that he had long enough enjoyed the pleaſure of their company, and now bid them adieu. They followed him for ſome time, without being able to overtake him; and the appearance of Mortimer with his company put an end to their purſuit.

THE royaliſts, ſecretly prepared for this event, immediately flew to arms; and the joy of this gallant prince's deliverance, the oppreſſions under which the nation laboured, the expectation of a new ſcene of affairs, and the countenance of the earl of Gloceſter, procured Edward an army which Leiceſter was utterly unable to withſtand. This nobleman found himſelf in a remote quarter of the kingdom; ſurrounded by his enemies; barred from all communication with his friends by the Severne, whoſe bridges Edward had broken down; and obliged to fight the cauſe of his party under theſe multiplied diſadvantages. In this extremity he wrote to his ſon Simon de Montfort, to haſten from London with an army for his relief; and Simon had advanced to Kenilworth with that view, where, fancying that all Edward's force and attention were directed againſt his father, he lay ſecure and unguarded. But the prince, making a ſudden and forced march, ſurpriſed him in his camp, diſperſed his army, and took the earl of Oxford and many other noblemen priſoners, almoſt without reſiſtance. Leiceſter, ignorant of his ſon's fate, paſſed the Severne in boats during Edward's abſence, and lay at Eveſham, in expectation of being every hour joined by his friends from London: When the prince, who

availed himſelf of every favourable moment, appeared in the field before him. Edward made a body of his troops advance from the road which led to Kenilworth, and ordered them to carry the banners taken from Simon's army; while he himſelf making a circuit with the reſt of his forces, purpoſed to attack the enemy on the other quarter. Leiceſter was long deceived by this ſtratagem, and took one diviſion of Edward's army for his friends; but at laſt, perceiving his miſtake, and obſerving the great ſuperiority and excellent diſpoſition of the royaliſts, he exclaimed that they had learned from him the art of war; adding, "The Lord have mercy on "our ſouls, for I ſee our bodies are the prince's!" The battle immediately began, though on very unequal terms. Leiceſter's army, by living on the mountains of Wales without bread, which was not then much uſed among the inhabitants, had been extremely weakened by ſickneſs and deſertion, and was ſoon broken by the victorious royaliſts; while his Welſh allies, accuſtomed only to a deſultory kind of war, immediately took to flight, and were purſued with great ſlaughter. Leiceſter himſelf, aſking for quarter, was ſlain in the heat of the action, with his eldeſt ſon Henry, Hugh le Deſpenſer, and about an hundred and ſixty knights, and many other gentlemen of his party. The old king had been purpoſely placed by the rebels in the front of the battle; and being clad in armour, and thereby not known by his friends, he received a wound, and was in danger of his life: But crying out, *I am Henry of Wincheſter, your king*, he was ſaved; and put in a place of ſafety by his ſon, who flew to his reſcue.

CHAP. XII.

1265. Battle of Eveſham, and death of Leiceſter. 4th Aug.

THE violence, ingratitude, tyranny, rapacity, and treachery of the earl of Leiceſter, give a very bad idea of his moral character, and make us regard his death as the moſt fortunate event which in this conjuncture could have happened to the Engliſh

nation:

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nation: Yet must we allow the man to have possessed great abilities, and the appearance of great virtues, who, though a stranger, could, at a time when strangers were the most odious and the most universally decried, have acquired so extensive an interest in the kingdom, and have so nearly paved his way to the throne itself. His military capacity, and his political craft, were equally eminent: He possessed the talents both of governing men and conducting business: And though his ambition was boundless, it seems neither to have exceeded his courage nor his genius; and he had the happiness of making the low populace, as well as the haughty barons, cooperate towards the success of his selfish and dangerous purposes. A prince of greater abilities and vigour than Henry might have directed the talents of this nobleman either to the exaltation of his throne, or to the good of his people: But the advantages given to Leicester, by the weak and variable administration of the king, brought on the ruin of royal authority, and produced great confusions in the kingdom, which, however, in the end preserved and extremely improved national liberty, and the constitution. His popularity, even after his death, continued so great, that though he was excommunicated by Rome, the people believed him to be a saint; and many miracles were said to be wrought upon his tomb [s].

Settlement of the government.

THE victory of Evesham, with the death of Leicester, proved decisive in favour of the royalists, and made an equal though an opposite impression on friends and enemies in every part of England. The king of the Romans recovered his liberty: The other prisoners of the royal-party were not only freed but courted by their keepers: Fitz-Richard, the seditious mayor of London, who had marked out forty of the most wealthy citizens for slaughter,

[s] Chron. de Mailr. p. 232.

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immediately ſtopped his hand on receiving intelligence of this great event: And almoſt all the caſtles, garriſoned by the barons, haſtened to make their ſubmiſſions, and to open their gates to the king. The iſle of Axholme alone, and that of Ely, truſting to the ſtrength of their ſituation, ventured to make reſiſtance; but were at laſt reduced, as well as the caſtle of Dover, by the valour and activity of prince Edward [t]. Adam de Gourdon, a courageous baron, maintained himſelf during ſome time in the foreſts of Hampſhire, committed depredations in the neighbourhood, and obliged the prince to lead a body of troops into that country againſt him. Edward attacked the camp of the rebels; and being tranſported by the ardour of battle, leaped over the trench with a few followers, and encountered Gourdon in ſingle combat. The victory was long diſputed between theſe valiant combatants; but ended at laſt in the prince's favour, who wounded his antagoniſt, threw him from his horſe, and took him priſoner. He not only gave him his life; but introduced him that very night to the queen at Guildford, procured him his pardon, reſtored him to his eſtate, received him into favour, and was ever after faithfully ſerved by him [u].

CHAP. XII. 1265. 1266.

A TOTAL victory of the ſovereign over ſo extenſive a rebellion commonly produces a revolution of government, and ſtrengthens, as well as enlarges for ſome time the prerogatives of the crown: Yet no ſacrifices of national liberty were made on this occaſion; the Great Charter remained ſtill inviolate; and the king, ſenſible that his own barons, by whoſe aſſiſtance alone he had prevailed, were no leſs jealous of their independence than the other party, ſeems thenceforth to have more carefully abſtained from all thoſe exertions of power which had afforded ſo plauſible a pretence to the rebels. The clemency

[t] M. Paris, p. 676. W. Heming. p. 588. [u] M. Paris, p. 675.

CHAP. XII. 1266. of this victory is also remarkable: No blood was shed on the scaffold: No attainders, except of the Mountfort family, were carried into execution: And though a parliament assembled at Winchester attainted all those who had borne arms against the king, easy compositions were made with them for their lands [w]; and the highest sum levied on the most obnoxious offenders exceeded not five years rent of their estate. Even the earl of Derby, who again rebelled, after having been pardoned and restored to his fortune, was obliged to pay only seven years rent, and was a second time restored. The mild disposition of the king, and the prudence of the prince, tempered the insolence of victory, and gradually restored order to the several members of the state, disjointed by so long a continuance of civil wars and commotions.

The city of London, which had carried farthest the rage and animosity against the king, and which seemed determined to stand upon its defence after almost all the kingdom had submitted, was, after some interval, restored to most of its liberties and privileges; and Fitz-Richard the mayor, who had been guilty of so much illegal violence, was only punished by fine and imprisonment. The countess of Leicester, the king's sister, who had been extremely forward in all attacks on the royal family, was dismissed the kingdom, with her two sons, Simon and Guy, who proved very ungrateful for this lenity. Five years afterwards, they assassinated, at Viterbo in Italy, their cousin Henry d'Allmaine, who at that very time was endeavouring to make their peace with the king; and by taking sanctuary in the church of the Franciscans, they escaped the punishment due to so great an enormity [x].

1267. The merits of the earl of Glocester, after he returned to his allegiance, had been so great in re-

[w] M. Paris, p. 675. [x] Rymer, vol. i. p. 879. vol. ii. p. 4, 5. Chron. T. Wykes, p. 94. W. Heming. p. 589. Trivet, p. 240.

storing

ſtoring the prince to his liberty, and aſſiſting him in his victories againſt the rebellious barons, that it was almoſt impoſſible to content him in his demands; and his youth and temerity as well as his great power tempted him, on ſome new diſguſt, to raiſe again the flames of rebellion in the kingdom. The mutinous populace of London at his inſtigation took to arms; and the prince was obliged to levy an army of 30,000 men, in order to ſuppreſs them. Even this ſecond rebellion did not provoke the king to any act of cruelty; and the earl of Gloceſter himſelf eſcaped with total impunity. He was only obliged to enter into a bond of 20,000 marks that he ſhould never again be guilty of rebellion: A ſtrange method of enforcing the laws, and a proof of the dangerous independence of the barons in thoſe ages! Theſe potent nobles were, from the danger of the precedent, averſe to the execution of the laws of forfeiture and felony againſt any of their fellows; though they could not, with a good grace, refuſe to concur in obliging them to fulfil any voluntary contract and engagement into which they had entered. 1267.

THE prince finding the ſtate of the kingdom tolerably compoſed, was ſeduced by his avidity for glory, and by the prejudices of the age, as well as by the earneſt ſolicitations of the king of France, to undertake an expedition againſt the infidels in the Holy Land [y]; and he endeavoured previouſly to ſettle the ſtate in ſuch a manner as to dread no bad effects from his abſence. As the formidable power and turbulent diſpoſition of the earl of Gloceſter gave him apprehenſions, he inſiſted on carrying him along with him, in conſequence of a vow which that nobleman had made to undertake the ſame voyage: In the meantime, he obliged him to reſign ſome 1270.

y M. Paris, p. 677.

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1270.

of his castles, and to enter into a new bond not to disturb the peace of the kingdom[z]. He sailed from England with an army; and arrived in Lewis's camp before Tunis in Africa, where he found that monarch already dead, from the intemperance of the climate and the fatigues of his enterprise. The great, if not only weakness of this prince in his government, was the imprudent passion for crusades; but it was his zeal chiefly that procured him from the clergy the title of St. Lewis, by which he is known in the French history; and if that appellation had not been so extremely prostituted as to become rather a term of reproach, he seems by his uniform probity and goodness, as well as his piety, to have fully merited the title. He was succeeded by his son Philip, denominated the Hardy; a prince of some merit, though much inferior to that of his father.

1271.

PRINCE Edward, not discouraged by this event, continued his voyage to the Holy Land, where he signalized himself by acts of valour; revived the glory of the English name in those parts; and struck such terror into the Saracens, that they employed an assassin to murder him, who wounded him in the arm, but perished in the attempt[a]. Meanwhile, his absence from England was attended with many of those pernicious consequences which had been dreaded from it. The laws were not executed: The barons oppressed the common people with impunity[b]: They gave shelter on their estates to bands of robbers, whom they employed in committing ravages on the estates of their enemies: The populace of London returned to their usual licentiousness: And the old king, unequal to the burthen of public affairs, called aloud for his gallant

[z] Chron. T. Wykes, p. 90. [a] M. Paris, p. 678, 679. W. Heming. p. 520. [b] Chron. Dunst. vol. i. p. 404.

4 son

ſon to return[c], and to aſſiſt him in ſwaying that ſceptre which was ready to drop from his feeble and irreſolute hands. At laſt, overcome by the cares of government and the infirmities of age, he viſibly declined, and he expired at St. Edmondſbury, in the 64th year of his age, and 56th of his reign; the longeſt reign that is to be met with in the Engliſh annals. His brother, the king of the Romans (for he never attained the title of emperor), died about ſeven months before him.

CHAP. XII. 1271. 1272. 16th Nov. Death.

THE moſt obvious circumſtance of Henry's character is, his incapacity for government, which rendered him as much a priſoner in the hands of his own miniſters and favourites, and as little at his own diſpoſal, as when detained a captive in the hands of his enemies. From this ſource, rather than from inſincerity or treachery, aroſe his negligence in obſerving his promiſes; and he was too eaſily induced, for the ſake of preſent convenience, to ſacrifice the laſting advantages ariſing from the truſt and confidence of his people. Hence too were derived his profuſion to favourites, his attachment to ſtrangers, the variableneſs of his conduct, his haſty reſentments, and his ſudden forgiveneſs and return of affection. Inſtead of reducing the dangerous power of his nobles, by obliging them to obſerve the laws towards their inferiors, and ſetting them the ſalutary example in his own government; he was ſeduced to imitate their conduct, and to make his arbitrary will, or rather that of his miniſters, the rule of his actions. Inſtead of accommodating himſelf, by a ſtrict frugality, to the embarraſſed ſituation in which his revenue had been left, by the military expeditions of his uncle, the diſſipations of his father, and the uſurpations of the barons; he was tempted to levy money by irregular exactions, which, without enriching himſelf, impoveriſhed, at leaſt diſguſted, his

and character of the king.

[c] Rymer, vol. i. p. 869. M. Paris, p. 678.

people.

CHAP. XII. 1272.

people. Of all men nature seemed least to have fitted him for being a tyrant; yet are there instances of oppression in his reign which, though derived from the precedents left him by his predecessors, had been carefully guarded against by the Great Charter, and are inconsistent with all rules of good government. And on the whole we may say, that greater abilities with his good dispositions, would have prevented him from falling into his faults; or, with worse dispositions, would have enabled him to maintain and defend them.

THIS prince was noted for his piety and devotion, and his regular attendance on public worship; and a saying of his on that head is much celebrated by ancient writers. He was engaged in a dispute with Lewis IX. of France, concerning the preference between sermons and masses: He maintained the superiority of the latter, and affirmed that he would rather have one hour's conversation with a friend, than hear twenty the most elaborate discourses pronounced in his praise [e].

HENRY left two sons, Edward his successor, and Edmond earl of Lancaster; and two daughters, Margaret queen of Scotland, and Beatrix dutchess of Britanny. He had five other children, who died in their infancy.

Miscellaneous transactions of this reign.

THE following are the most remarkable laws enacted during this reign. There had been great disputes between the civil and ecclesiastical courts concerning bastardy. The common law had deemed all those to be bastards who were born before wedlock: By the canon law they were legitimate: And when any dispute of inheritance arose, it had formerly been usual for the civil courts to issue writs to the spiritual, directing them to inquire into the legitimacy of the person. The bishop always returned an answer agreeable to the canon law, though contrary to the

[e] Walsing. Edw. I. p. 43.

muni-

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municipal law of the kingdom. For this reaſon the civil courts had changed the terms of their writ; and inſtead of requiring the ſpiritual courts to make inquiſition concerning the legitimacy of the perſon, they only propoſed the ſimple queſtion of fact, whether he were born before or after wedlock? The prelates complained of this practice to the parliament aſſembled at Merton in the twentieth of this king, and deſired that the municipal law might be rendered conformable to the canon: But received from all the nobility the memorable reply, *Nolumus leges Angliæ mutare*, We will not change the laws of England[f].

After the civil wars the parliament ſummoned at Marlebridge gave their approbation to moſt of the ordinances which had been eſtabliſhed by the reforming barons, and which, though advantageous to the ſecurity of the people, had not received the ſanction of a legal authority. Among other laws it was there enacted, that all appeals from the courts of inferior lords ſhould be carried directly to the king's courts, without paſſing through the courts of the lords immediately ſuperior[g]. It was ordained that money ſhould bear no intereſt during the minority of the debtor[h]. This law was reaſonable, as the eſtates of minors were always in the hands of their lords, and the debtors could not pay intereſt where they had no revenue. The charter of king John had granted this indulgence: It was omitted in that of Henry III. for what reaſon is not known; but it was renewed by the ſtatute of Marlebridge. Moſt of the other articles of this ſtatute are calculated to reſtrain the oppreſſion of ſheriffs, and the violence and iniquities committed in diſtraining cattle and other goods. Cattle and the inſtruments of huſbandry formed at that time the chief riches of the people.

f Statute of Merton, chap. 9. g Statute of Marleb. chap. 20.
h Ibid. chap. 16.

In

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In the 35th year of this king an assize was fixed of bread, the price of which was settled, according to the different prices of corn, from one shilling a quarter, to seven shillings and sixpence [i], money of that age. These great variations are alone a proof of bad tillage [k]: Yet did the prices often rise much higher than any taken notice of by the statute. The Chronicle of Dunstable tells us, that in this reign wheat was once sold for a mark, nay, for a pound a quarter; that is, three pounds of our present money [l]. The same law affords us a proof of the little communication between the parts of the kingdom, from the very different prices which the same commodity bore at the same time. A brewer, says the statute, may sell two gallons of ale for a penny in cities, and three or four gallons for the same price in the country. At present such commodities, by the great consumption of the people, and the great stocks of the brewers, are rather cheapest in cities. The Chronicle abovementioned observes, that wheat one year was sold in many places for eight shillings a quarter, but never rose in Dunstable above a crown.

Though commerce was still very low, it seems rather to have increased since the Conquest; at least if we may judge of the increase of money by the price of corn. The medium between the highest and lowest prices of wheat assigned by the statute is four shillings and threepence a quarter, that is twelve shillings and ninepence of our present money. This is near half of the middling price in our time. Yet the middling price of cattle, so late as the reign of king Richard, we find to be above

[i] Statutes at Large, p. 6. [k] We learn from Cicero's Orations against Verres, lib. iii. cap. 84. 92. that the price of corn in Sicily was, during the prætorship of Sacerdos, five Denarii a Modus; during that of Verres, which immediately succeeded, only two Sesterces: That is, ten times lower; a presumption, or rather a proof, of the very bad state of tillage in ancient times.

[l] So also Knyghton, p. 2444.

eight

eight, near ten times lower than the present. Is not this the true inference, from comparing these facts, that, in all uncivilized nations, cattle, which propagate of themselves, bear always a lower price than corn, which requires more art and stock to render it plentiful than those nations are possessed of? It is to be remarked, that Henry's assize of corn was copied from a preceding assize established by king John; consequently, the prices which we have here compared of corn and cattle may be looked on as contemporary; and they were drawn, not from one particular year, but from an estimation of the middling prices for a series of years. It is true, the prices, assigned by the assize of Richard, were meant as a standard for the accompts of sheriffs and escheators; and as considerable profits were allowed to these ministers, we may naturally suppose, that the common value of cattle was somewhat higher: Yet still, so great a difference between the prices of corn and cattle as that of four to one, compared to the present rates, affords important reflexions concerning the very different state of industry and tillage in the two periods.

INTEREST had in that age amounted to an enormous height, as might be expected from the barbarism of the times and men's ignorance of commerce. Instances occur of fifty per cent. payed for money [m]. There is an edict of Philip Augustus near this period, limiting the Jews in France to 48 per cent. [n] Such profits tempted the Jews to remain in the kingdom, notwithstanding the grievous oppressions to which, from the prevalent bigotry and rapine of the age, they were continually exposed. It is easy to imagine how precarious their state must have been under an indigent prince, somewhat restrained in his tyranny over his native subjects, but who possessed an unlimited authority over the Jews,

[m] M. Paris, p. 586.
[n] Bruffel Traité des Fiefs, vol. i. p. 576.

the

CHAP. XII. 1272. the sole proprietors of money in the kingdom, and hated, on account of their riches, their religion, and their usury: Yet will our ideas scarcely come up to the extortions which, in fact, we find to have been practised upon them. In the year 1241, 20,000 marks were exacted from them [o]: Two years after, money was again extorted; and one Jew alone, Aaron of York, was obliged to pay above 4000 marks [p]: In 1250, Henry renewed his oppressions; and the same Aaron was condemned to pay him 30,000 marks upon an accusation of forgery [q]: The high penalty imposed upon him, and which, it seems, he was thought able to pay, is rather a presumption of his innocence than of his guilt. In 1255, the king demanded 8000 marks from the Jews, and threatened to hang them if they refused compliance. They now lost all patience, and desired leave to retire with their effects out of the kingdom. But the king replied: "How can I remedy the oppressions you complain of? I am myself a beggar. I am spoiled, I am stripped of all my revenues: I owe above 200,000 marks; and if I had said 300,000, I should not exceed the truth: I am obliged to pay my son prince Edward 15,000 marks a year: I have not a farthing; and I must have money, from any hand, from any quarter, or by any means." He then delivered over the Jews to the earl of Cornwal, that those whom the one brother had flayed, the other might embowel, to make use of the words of the historian [r]. King John, his father, once demanded 10,000 marks from a Jew of Bristol; and on his refusal, ordered one of his teeth to be drawn every day till he should comply. The Jew lost seven teeth; and then paid the sum required of him [s]. One talliage laid upon the Jews in 1243 amounted

o M. Paris, p. 372. p Ibid. p. 410. q Ibid. p. 525.
r Ibid. p. 606. s Ibid. p. 160.

to 60,000 marks [t]; a sum equal to the whole yearly revenue of the crown. CHAP. XII. 1272.

To give a better pretence for extortions, the improbable and absurd accusation, which has been at different times advanced against that nation, was revived in England, that they had crucified a child in derision of the sufferings of Christ. Eighteen of them were hanged at once for this crime [u]: Though it is no wise credible, that even the antipathy born them by the Christians, and the oppressions under which they laboured, would ever have pushed them to be guilty of that dangerous enormity. But it is natural to imagine, that a race, exposed to such insults and indignities, both from king and people, and who had so uncertain an enjoyment of their riches, would carry usury to the utmost extremity, and by their great profits make themselves some compensation for their continual perils.

THOUGH these acts of violence against the Jews proceeded much from bigotry, they were still more derived from avidity and rapine. So far from desiring in that age to convert them, it was enacted by law in France, that, if any Jew embraced Christianity, he forfeited all his goods, without exception, to the king or his superior lord. These plunderers were careful, lest the profits accruing from their dominion over that unhappy race should be diminished by their conversion [w].

COMMERCE must be in a wretched condition, where interest was so high, and where the sole proprietors of money employed it in usury only, and were exposed to such extortion and injustice. But the bad police of the country was another obstacle to improvements; and rendered all communication dangerous, and all property precarious. The Chronicle of Dunstable says [x], that men were never secure in their houses, and that whole villages were

[t] Madox, p. 152. [u] M. Paris, p. 613. [w] Brussel, vol. i. p. 622. Du Cange, verbo *Judæi*. [x] Vol. i. p. 155.

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often plundered by bands of robbers, though no civil wars at that time prevailed in the kingdom. In 1249, some years before the insurrection of the barons, two merchants of Brabant came to the king at Winchester, and told him that they had been spoiled of all their goods by certain robbers, whom they knew, because they saw their faces every day in his court; that like practices prevailed all over England, and travellers were continually exposed to the danger of being robbed, bound, wounded, and murdered; that these crimes escaped with impunity, because the ministers of justice themselves were in a confederacy with the robbers; and that they, for their part, instead of bringing matters to a fruitless trial by law, were willing, though merchants, to decide their cause with the robbers by arms and a duel. The king, provoked at these abuses, ordered a jury to be inclosed, and to try the robbers: The jury, though consisting of twelve men of property in Hampshire, were found to be also in a confederacy with the felons, and acquitted them. Henry, in a rage, committed the jury to prison, threatened them with severe punishment, and ordered a new jury to be inclosed, who, dreading the fate of their fellows, at last found a verdict against the criminals. Many of the king's own household were discovered to have participated in the guilt; and they said, for their excuse, that they received no wages from him, and were obliged to rob for a maintenance[y]. *Knights and esquires*, says the Dictum of Kenelworth, *who were robbers, if they have no land, shall pay the half of their goods, and find sufficient security to keep henceforth the peace of the kingdom.* Such were the manners of the times!

ONE can the less repine, during the prevalence of such manners, at the frauds and forgeries of the clergy; as it gives less disturbance to society, to

[y] M. Paris, p. 509.

take

1272.

take men's money from them with their own consent, though by deceits and lies, than to ravish it by open force and violence. During this reign the papal power was at its summit, and was even beginning insensibly to decline, by reason of the immeasurable avarice and extortions of the court of Rome, which disgusted the clergy as well as laity, in every kingdom of Europe. England itself, though sunk in the deepest abyss of ignorance and superstition, had seriously entertained thoughts of shaking off the papal yoke[z]; and the Roman pontiff was obliged to think of new expedients for rivetting it faster upon the Christian world. For this purpose, Gregory IX. published his decretals[a]; which are a collection of forgeries, favourable to the court of Rome, and consist of the supposed decrees of popes in the first centuries. But these forgeries are so gross, and confound so palpably all language, history, chronology, and antiquities; matters more stubborn than any speculative truths whatsoever; that even that church, which is not startled at the most monstrous contradictions and absurdities, has been obliged to abandon them to the critics. But in the dark period of the thirteenth century, they passed for undisputed and authentic; and men, entangled in the mazes of this false literature, joined to the philosophy, equally false, of the times, had nothing wherewithal to defend themselves, but some small remains of common sense, which passed for profaneness and impiety, and the indelible regard to self-interest, which, as it was the sole motive in the priests for framing these impostures, served also, in some degree, to protect the laity against them.

Another expedient, devised by the church of Rome, in this period, for securing her power, was the institution of new religious orders, chiefly the Dominicans and Franciscans, who proceeded with

[z] M. Paris, p. 421. [a] Trivet, p. 191.

 all

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all the zeal and ſucceſs that attend novelties; were better qualified to gain the populace than the old orders, now become rich and indolent; maintained a perpetual rivalſhip with each other in promoting their gainful ſuperſtitions; and acquired a great dominion over the minds, and conſequently over the purſes of men, by pretending a deſire of poverty and a contempt for riches. The quarrels which aroſe between theſe orders, lying ſtill under the control of the ſovereign pontiff, never diſturbed the peace of the church, and ſerved only as a ſpur to their induſtry in promoting the common cauſe; and though the Dominicans loſt ſome popularity by their denial of the immaculate conception, a point in which they unwarily engaged too far to be able to recede with honour, they counterbalanced this diſadvantage by acquiring more ſolid eſtabliſhments, by gaining the confidence of kings and princes, and by exerciſing the juriſdiction aſſigned them, of ultimate judges and puniſhers of hereſy. Thus, the ſeveral orders of monks became a kind of regular troops or garriſons of the Romiſh church; and though the temporal intereſts of ſociety, ſtill more the cauſe of true piety, were hurt, by their various devices to captivate the populace, they proved the chief ſupports of that mighty fabric of ſuperſtition, and, till the revival of true learning, ſecured it from any dangerous invaſion.

The trial by ordeal was aboliſhed in this reign by order of council; A faint mark of improvement in the age [b].

Henry granted a charter to the town of Newcaſtle, in which he gave the inhabitants a licence to dig coal. This is the firſt mention of coal in England.

We learn from Madox [c], that this king gave at one time 100 ſhillings to maſter Henry, his

[b] Rymer, vol. i. p. 228. Spelman, p. 326.
[c] Page 268.

poet;

poet: Also the same year he orders this poet ten pounds. CHAP. XII.

It appears from Selden, that in the 47th of this reign, a hundred and fifty temporal, and fifty spiritual barons were summoned to perform the service due by their tenures[d]. In the 35th of the subsequent reign, eighty-six temporal barons, twenty bishops, and forty-eight abbots, were summoned to a parliament convened at Carlisle[e]. 1272.

[d] Titles of Honour, part 2. chap. 3.
[e] Parliamentary Hist. vol. i. p. 151.

CHAP. XIII.

EDWARD I.

Civil administration of the king——Conquest of Wales——Affairs of Scotland——Competitors for the crown of Scotland——Reference to Edward——Homage of Scotland——Award of Edward in favour of Baliol——War with France——Digression concerning the constitution of parliament——War with Scotland——Scotland subdued——War with France——Dissensions with the clergy——Arbitrary measures——Peace with France——Revolt of Scotland——That kingdom again subdued—again revolts—is again subdued——Robert Bruce——Third revolt of Scotland——Death and character of the king——Miscellaneous transactions of this reign.

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THE English were as yet so little enured to obedience under a regular government, that the death of almost every king, since the Conquest, had been attended with disorders; and the council, reflecting on the recent civil wars, and on the animosities which naturally remain after these great convulsions, had reason to apprehend dangerous consequences from the absence of the son and successor of Henry. They therefore hastened to proclaim prince Edward, to swear allegiance to him, and to summon the states of the kingdom, in order to provide for the public peace in this important conjuncture[f]. Walter Gifford archbishop

[f] Rymer, vol. ii. p. 1. Walsing. p. 43. Trivet, p. 239.

of

1272.

of York, the earl of Cornwal, ſon of Richard king of the Romans, and the earl of Glocеſter, were appointed guardians of the realm, and proceeded peaceably to the exerciſe of their authority, without either meeting with oppoſition from any of the people, or being diſturbed with emulation and faction among themſelves. The high character acquired by Edward during the late commotions, his military genius, his ſucceſs in ſubduing the rebels, his moderation in ſettling the kingdom, had procured him great eſteem, mixed with affection, among all orders of men; and no one could reaſonably entertain hopes of making any advantage of his abſence, or of raiſing diſturbance in the nation. The earl of Gloceſter himſelf, whoſe great power and turbulent ſpirit had excited moſt jealouſy, was forward to give proofs of his allegiance; and the other malcontents, being deſtitute of a leader, were obliged to remain in ſubmiſſion to the government.

Prince Edward had reached Sicily in his return from the Holy Land, when he received intelligence of the death of his father; and he diſcovered a deep concern on the occaſion. At the ſame time he learned the death of an infant ſon, John, whom his princeſs, Eleanor of Caſtile, had born him at Acre in Paleſtine; and as he appeared much leſs affected with that misfortune, the king of Sicily expreſſed a ſurpriſe at this difference of ſentiment: But was told by Edward, that the death of a ſon was a loſs which he might hope to repair; the death of a father was a loſs irreparable[g].

Edward proceeded homeward; but as he ſoon learned the quiet ſettlement of the kingdom, he was in no hurry to take poſſeſſion of the throne, but ſpent near a year in France, before he made his appearance in England. In his paſſage by Chalons

[g] Walſing. p. 44. Trivet, p. 240.

in

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1273.

in Burgundy, he was challenged by the prince of the country to a tournament which he was preparing; and as Edward excelled in those martial and dangerous exercises, the true image of war, he declined not the opportunity of acquiring honour in that great assembly of the neighbouring nobles. But the image of war was here unfortunately turned into the thing itself. Edward and his retinue were so successful in the jousts, that the French knights, provoked at their superiority, made a serious attack upon them, which was repulsed, and much blood was idly shed in the quarrel [h]. This rencounter received the name of the petty battle of Chalons.

1274.

EDWARD went from Chalons to Paris, and did homage to Philip for the dominions which he held in France [i]. He thence returned to Guienne, and settled that province, which was in some confusion. He made his journey to London through France; in his passage he accommodated at Montreuil a difference with Margaret countess of Flanders, heiress of that territory [k]; he was received with joyful acclamations by his people, and was solemnly crowned at Westminster by Robert archbishop of Canterbury.

August 19.

Civil administration of the king.

THE king immediately applied himself to the re-establishment of his kingdom, and to the correcting of those disorders which the civil commotions and the loose administration of his father had introduced into every part of government. The plan of his policy was equally generous and prudent. He considered the great barons both as the immediate rivals of the crown, and oppressors of the people; and he purposed, by an exact distribution of justice, and a rigid execution of the laws, to give at once protection to the inferior orders of the state, and to diminish the arbitrary power of the great, on which

h Walsing. p. 44. Trivet, p. 241. M. West. p. 402.
i Walsing. p. 45. k Rymer, vol. ii. p. 32, 33.

their dangerous authority was chiefly founded. Making it a rule in his own conduct to observe, except on extraordinary occasions, the privileges secured to them by the Great Charter, he acquired a right to insist upon their observance of the same charter towards their vassals and inferiors; and he made the crown be regarded by all the gentry and commonalty of the kingdom, as the fountain of justice, and the general asylum against oppression. Besides enacting several useful statutes, in a parliament which he summoned at Westminster, he took care to inspect the conduct of all his magistrates and judges, to displace such as were either negligent or corrupt, to provide them with sufficient force for the execution of justice, to extirpate all bands and confederacies of robbers, and to repress those more silent robberies which were committed either by the power of the nobles, or under the countenance of public authority. By this rigid administration, the face of the kingdom was soon changed; and order and justice took place of violence and oppression: But amidst the excellent institutions and public-spirited plans of Edward, there still appears somewhat both of the severity of his personal character, and of the prejudices of the times.

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1274.

1275. 16th Feb.

As the various kinds of malefactors, the murderers, robbers, incendiaries, ravishers, and plunderers, had become so numerous and powerful, that the ordinary ministers of justice, especially in the western counties, were afraid to execute the laws against them, the king found it necessary to provide an extraordinary remedy for the evil; and he erected a new tribunal which, however useful, would have been deemed, in times of more regular liberty, a great stretch of illegal and arbitrary power. It consisted of commissioners, who were empowered to inquire into disorders and crimes of all kinds, and to inflict the proper punishments upon them.

The

CHAP. XIII. 1275.

The officers, charged with this unusual commission, made their circuits throughout the counties of England most infested with this evil, and carried terror into all those parts of the kingdom. In their zeal to punish crimes, they did not sufficiently distinguish between the innocent and guilty; the smallest suspicion became a ground of accusation and trial; the slightest evidence was received against criminals; prisons were crouded with malefactors, real or pretended; severe fines were levied for small offences; and the king, though his exhausted exchequer was supplied by this expedient, found it necessary to stop the course of so great rigour; and after terrifying and dissipating, by this tribunal, the gangs of disorderly people in England, he prudently annulled the commission[l], and never afterwards renewed it.

Among the various disorders to which the kingdom was subject, no one was more universally complained of than the adulteration of the coin; and as this crime required more art than the English of that age, who chiefly employed force and violence in their iniquities, were possessed of, the imputation fell upon the Jews[m]. Edward also seems to have indulged a strong prepossession against that nation; and this ill-judged zeal for Christianity being naturally augmented by an expedition to the Holy Land, he let loose the whole rigour of his justice against that unhappy people. Two hundred and eighty of them were hanged at once for this crime in London alone, besides those who suffered in other parts of the kingdom[n]. The houses and lands (for the Jews had of late ventured to make purchases of that kind), as well as the goods of great multitudes, were sold and confiscated: And the king,

l Spelman's Gloss. in verbo *Trailbaston*. But Spelman was either mistaken in placing this commission in the fifth year of the king, or it was renewed in 1305. See Rymer, vol. ii. p. 960. Trivet, p. 338. M. West. p. 450. m Walsing. p. 48. Heming. vol. i. p. 6.
n T. Wykes, p. 107.

lest

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left it ſhould be ſuſpected that the riches of the ſufferers were the chief part of their guilt, ordered a moiety of the money raiſed by theſe confiſcations to be ſet apart and beſtowed upon ſuch as were willing to be converted to Chriſtianity. But reſentment was more prevalent with them than any temptation from their poverty; and very few of them could be induced by intereſt to embrace the religion of their perſecutors. The miſeries of this people did not here terminate. Though the arbitrary talliages and exactions levied upon them had yielded a conſtant and conſiderable revenue to the crown; Edward, prompted by his zeal and his rapacity, reſolved ſome time after [o] to purge the kingdom entirely of that hated race, and to ſeize to himſelf at once their whole property as the reward of his labour [p]. He left them only money ſufficient to bear their charges into foreign countries, where new perſecutions and extortions awaited them: But the inhabitants of the cinque ports, imitating the bigotry and avidity of their ſovereign, deſpoiled moſt of them of this ſmall pittance, and even threw many of them into the ſea: A crime for which the king, who was determined to be the ſole plunderer in his dominions, inflicted a capital puniſhment upon them. No leſs than fifteen thouſand Jews were at this time robbed of their effects, and baniſhed the kingdom: Very few of that nation have ſince lived in England: And as it is impoſſible for a nation to ſubſiſt without lenders of money, and none will lend without a compenſation, the practice of uſury, as it was then called, was thenceforth exerciſed by the Engliſh themſelves upon their fellow-citizens, or by Lombards and other foreigners. It is very much to be queſtioned, whether the dealings of theſe new uſurers were equally open and unexceptionable with thoſe of the

[o] In the year 1290. [p] Walſing. p. 54. Heming. vol. i. p. 20. Trivet, p. 266.

CHAP. XIII. 1275. the old. By a law of Richard it was enacted, that three copies should be made of every bond given to a Jew; one to be put into the hands of a public magistrate, another into those of a man of credit, and a third to remain with the Jew himself[q]. But as the canon law, seconded by the municipal, permitted no Christian to take interest, all transactions of this kind must, after the banishment of the Jews, have become more secret and clandestine; and the lender of consequence be paid both for the use of his money, and for the infamy and danger which he incurred by lending it.

The great poverty of the crown, though no excuse, was probably the cause of this egregious tyranny exercised against the Jews; but Edward also practised other more honourable means of remedying that evil. He employed a strict frugality in the management and distribution of his revenue: He engaged the parliament to vote him a fifteenth of all moveables; the pope to grant him the tenth of all ecclesiastical revenues for three years; and the merchants to consent to a perpetual imposition of half a mark on every sack of wool exported, and a mark on three hundred skins. He also issued commissions to inquire into all encroachments on the royal demesne; into the value of escheats, forfeitures, and wardships; and into the means of repairing or improving every branch of the revenue[r]. The commissioners in the execution of their office began to carry matters too far against the nobility, and to question titles to estates which had been transmitted from father to son for several generations. Earl Warrenne, who had done such eminent service in the late reign, being required to show his titles, drew his sword; and subjoined that William the Bastard had not conquered the kingdom for himself alone: His ancestor was a joint adventurer in the

[q] Trivet, p. 128. [r] Ann. Waverl. p. 235.

enter-

enterprise; and he himself was determined to maintain what had from that period remained unquestioned in his family. The king, sensible of the danger, desisted from making farther inquiries of this nature. CHAP. XIII. 1275.

But the active spirit of Edward could not long remain without employment. He soon after undertook an enterprise more prudent for himself, and more advantageous to his people. Lewellyn, prince of Wales, had been deeply engaged with the Mountfort faction; had entered into all their conspiracies against the crown; had frequently fought on their side; and till the battle of Evesham, so fatal to that party, had employed every expedient to depress the royal cause, and to promote the success of the barons. In the general accommodation made with the vanquished, Lewellyn had also obtained his pardon; but as he was the most powerful, and therefore the most obnoxious vassal of the crown, he had reason to entertain anxiety about his situation, and to dread the future effects of resentment and jealousy in the English monarch. For this reason, he determined to provide for his security by maintaining a secret correspondence with his former associates; and he even made his addresses to a daughter of the earl of Leicester, who was sent to him from beyond sea, but being intercepted in her passage near the isles of Scilly, was detained in the court of England [s]. This incident increasing the mutual jealousy between Edward and Lewellyn, the latter, when required to come to England, and do homage to the new king, scrupled to put himself in the hands of an enemy, desired a safe conduct from Edward, insisted upon having the king's son and other noblemen delivered to him as hostages, and demanded that his consort should previously be set at liberty [t]. The king,

1276. Conqueſt of Wales.

[s] Walsing. p. 46, 47. Heming. vol. i. p. 5. Trivet, p. 248.
[t] Rymer, vol. ii. p. 68. Walsing. p. 46. Trivet, p. 247.

having

CHAP. XIII. 1276. having now brought the ſtate to a full ſettlement, was not diſpleaſed with this occaſion of exerciſing his authority, and ſubduing entirely the principality of Wales. He refuſed all Lewellyn's demands, except that of a ſafe-conduct; ſent him repeated ſummons to perform the duty of a vaſſal; levied an army to reduce him to obedience; obtained a new aid of a fifteenth from parliament; and marched out with certain aſſurance of ſucceſs againſt the

1277. enemy. Beſides the great diſproportion of force between the kingdom and the principality, the circumſtances of the two ſtates were entirely reverſed; and the ſame inteſtine diſſenſions which had formerly weakened England, now prevailed in Wales, and had even taken place in the reigning family. David and Roderic, brothers to Lewellyn, diſpoſſeſſed of their inheritance by that prince, had been obliged to have recourſe to the protection of Edward, and they ſeconded with all their intereſt, which was extenſive, his attempts to enſlave their native country. The Welſh prince had no reſource but in the inacceſſible ſituation of his mountains, which had hitherto through many ages defended his forefathers againſt all attempts of the Saxon and Norman conquerors; and he retired among the hills of Snowdun, reſolved to defend himſelf to the laſt extremity. But Edward, equally vigorous and cautious, entering by the north with a formidable army, pierced into the heart of the country; and having carefully explored every road before him, and ſecured every paſs behind him, approached the Welſh army in its laſt retreat. He here avoided the putting to trial the valour of a nation proud of its ancient independence, and inflamed with animoſity againſt its hereditary enemies; and he truſted to the ſlow but ſure effects of famine for reducing that people to ſubjection. The rude and ſimple manners of the natives, as well as the mountainous ſituation of their

4 country,

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1277.

country, had made them entirely neglect tillage, and trust to pasturage alone for their subsistence: A method of life which had hitherto secured them against the irregular attempts of the English, but exposed them to certain ruin, when the conquest of the country was steadily pursued, and prudently planned by Edward. Destitute of magazines, cooped up in a narrow corner, they, as well as their cattle, suffered all the rigours of famine; and Lewellyn, without being able to strike a stroke for his independence, was at last obliged to submit at discretion, and receive the terms imposed upon him by the victor [u]. He bound himself to pay to Edward 50,000 pounds, as a reparation of damages; to do homage to the crown of England; to permit all the other barons of Wales, except four near Snowdun, to swear fealty to the same crown; to relinquish the country between Cheshire and the river Conway; to settle on his brother Roderic a thousand marks a year, and on David five hundred; and to deliver ten hostages as security for his future submission [w]. 19th Nov.

Edward, on the performance of the other articles, remitted to the prince of Wales the payment of the 50,000 pounds [x], which were stipulated by treaty, and which it is probable the poverty of the country made it absolutely impossible for him to levy. But notwithstanding this indulgence, complaints of iniquities soon arose on the side of the vanquished: The English, insolent on their easy and bloodless victory, oppressed the inhabitants of the districts which were yielded to them: The lords marchers committed with impunity all kinds of violence on their Welsh neighbours: New and more severe terms were imposed on Lewellyn himself; and Edward, when the prince attended him at

[u] T. Wykes, p. 105. [w] Rymer, vol. ii. p. 88 Walsing. p. 7. Trivet, p. 251. T. Wykes, p. 106. [x] Rymer, p. 92.

 Worcester,

CHAP. XIII. 1277. Worcester, exacted a promise that he would retain no person in his principality who should be obnoxious to the English monarch[y]. There were other personal insults which raised the indignation of the Welsh, and made them determine rather to encounter a force which they had already experienced to be so much superior, than to bear oppression from the haughty victors. Prince David, seized with the national spirit, made peace with his brother, and promised to concur in the defence of public liberty. The Welsh fled to arms; and Edward, not displeased with the occasion of making his conquest final and absolute, assembled all his military tenants, and advanced into Wales with an army which the inhabitants could not reasonably hope to resist. The situation of the country gave the Welsh at first some advantage over Luke de Tany, one of Edward's captains, who had passed the Menau with a detachment[z]: But Lewellyn, being surprised by Mortimer, was defeated and slain in an action, and 2000 of his followers were put to the sword[a]. David, who succeeded him in the principality, could never collect an army sufficient to face the English; and being chased from hill to hill, and hunted from one retreat to another, was obliged to conceal himself under various disguises, and was at last betrayed in his lurking-place to the enemy. Edward sent him in chains to Shrewsbury; and bringing him to a formal trial before all the peers of England, ordered this sovereign prince to be hanged, drawn, and quartered, as a traitor, for defending by arms the liberties of his native country, together with his own hereditary authority[b]. All the Welsh nobility submitted to the conqueror; the laws of England,

[y] Dr. Powel's Hist. of Wales, p. 344, 345. [z] Walsing. p. 50. Heming. vol i. p. 9. Trivet, p. 258. T. Wykes, p. 110.

[a] Heming. vol. i. p. 11. Trivet, p. 257. Ann. Waverl. p. 235.

[b] Heming. vol. i. p. 12. Trivet, p. 259. Ann. Waverl. p. 238. T. Wykes, p. 111. M. West. p. 411.

with the sheriffs and other ministers of justice, were established in that principality; and though it was long before national antipathies were extinguished, and a thorough union attained between the people; yet this important conquest, which it had required eight hundred years fully to effect, was at last, through the abilities of Edward, completed by the English. 1283.

The king, sensible that nothing kept alive the ideas of military valour and of ancient glory so much as the traditional poetry of the people, which, assisted by the power of music and the jollity of festivals, made deep impression on the minds of the youth, gathered together all the Welsh bards, and, from a barbarous though not absurd policy, ordered them to be put to death [c]. 1284.

There prevails a vulgar story, which, as it well suits the capacity of the monkish writers, is carefully recorded by them: That Edward, assembling the Welsh, promised to give them a prince of unexceptionable manners, a Welshman by birth, and one who could speak no other language. On their acclamations of joy, and promise of obedience, he invested in the principality his second son Edward, then an infant, who had been born at Carnarvon. The death of his eldest son Alphonso soon after made young Edward heir of the monarchy: The principality of Wales was fully annexed to the crown; and henceforth gives a title to the eldest son of the kings of England.

The settlement of Wales appeared so complete to Edward, that in less than two years after he went abroad, in order to make peace between Alphonso king of Arragon, and Philip the Fair, who had lately succeeded his father Philip the Hardy on the throne of France [d]. The difference between these two princes had arisen about the kingdom of Sicily, 1286.

[c] Sir J. Wynne, p. 15.

[d] Rymer, vol. ii. p. 149, 150. 174.

 which

CHAP. XIII. 1286. which the pope, after his hopes from England failed him, had bestowed on Charles, brother to St. Lewis, and which was claimed on other titles by Peter king of Arragon, father to Alphonso. Edward had powers from both princes to settle the terms of peace, and he succeeded in his endeavours; but as the controversy nowise regards England, we shall not enter into a detail of it. He stayed abroad above three years; and on his return found many disorders to have prevailed, both from open violence, and from the corruption of justice.

THOMAS Chamberlain, a gentleman of some note, had assembled several of his associates at Boston in Lincolnshire, under pretence of holding a tournament, an exercise practised by the gentry only; but in reality with a view of plundering the rich fair of Boston, and robbing the merchants. To facilitate his purpose, he privately set fire to the town; and while the inhabitants were employed in quenching the flames, the conspirators broke into the booths, and carried off the goods. Chamberlain himself was detected and hanged; but maintained so steadily the point of honour to his accomplices, that he could not be prevailed on, by offers or promises, to discover any of them. Many other instances of robbery and violence broke out in all parts of England; though the singular circumstances attending this conspiracy have made it alone be particularly recorded by historians [e].

1289. BUT the corruption of the judges, by which the fountains of justice were poisoned, seemed of still more dangerous consequence. Edward, in order to remedy this prevailing abuse, summoned a parliament, and brought the judges to a trial; where all of them, except two who were clergymen, were convicted of this flagrant iniquity, were fined and deposed. The amount of the fines levied upon

[e] Heming. vol. i. p. 16, 17.

them

them is alone a ſufficient proof of their guilt; being above one hundred thouſand marks, an immenſe ſum in thoſe days, and ſufficient to defray the charges of an expenſive war between two great kingdoms. The king afterwards made all the new judges ſwear that they would take no bribes; but his expedient, of depoſing and fining the old ones, was the more effectual remedy. CHAP. XIII. 1289.

We now come to give an account of the ſtate of affairs in Scotland, which gave riſe to the moſt intereſting tranſactions of this reign, and of ſome of the ſubſequent; though the intercourſe of that kingdom with England, either in peace or war, had hitherto produced ſo few events of moment, that, to avoid tedioufneſs, we have omitted many of them, and have been very conciſe in relating the reſt. If the Scots had before this period any real hiſtory worthy of the name, except what they glean from ſcattered paſſages in the Engliſh hiſtorians, thoſe events, however minute, yet being the only foreign tranſactions of the nation, might deſerve a place in it.

Affairs of Scotland.

Though the government of Scotland had been continually expoſed to thoſe factions and convulſions which are incident to all barbarous, and to many civilized nations; and though the ſucceſſions of their kings, the only part of their hiſtory which deſerves any credit, had often been diſordered by irregularities and uſurpations, the true heir of the royal family had ſtill in the end prevailed, and Alexander III. who had eſpouſed the ſiſter of Edward, probably inherited, after a period of about eight hundred years, and through a ſucceſſion of males, the ſceptre of all the Scottiſh princes who had governed the nation ſince its firſt eſtabliſhment in the iſland. This prince died in 1286 by a fall from his horſe at Kinghorn[f], without leaving any male iſſue,

[f] Heming, vol. i. p. 29. Trivet, p. 267.

CHAP. XIII.

1289.

and without any descendant, except Margaret, born of Eric, king of Norway, and of Margaret, daughter of the Scottish monarch. This princess, commonly called the Maid of Norway, though a female, and an infant, and a foreigner, yet being the lawful heir of the kingdom, had, through her grandfather's care, been recognised successor by the states of Scotland[g]; and on Alexander's death, the dispositions which had been previously made against that event, appeared so just and prudent, that no disorders, as might naturally be apprehended, ensued in the kingdom. Margaret was acknowledged queen of Scotland; five guardians, the bishops of St. Andrews and Glasgow, the earls of Fife and Buchan, and James, steward of Scotland, entered peaceably upon the administration; and the infant princess, under the protection of Edward her great uncle, and Eric her father, who exerted themselves on this occasion, seemed firmly seated on the throne of Scotland. The English monarch was naturally led to build mighty projects on this incident; and having lately by force of arms brought Wales under subjection, he attempted, by the marriage of Margaret with his eldest son Edward, to unite the whole island into one monarchy, and thereby to give it security both against domestic convulsions

1290. and foreign invasions. The amity which had of late prevailed between the two nations, and which, even in former times, had never been interrupted by any violent wars or injuries, facilitated extremely the execution of this project, so favourable to the happiness and grandeur of both kingdoms; and the states of Scotland readily gave their assent to the English proposals, and even agreed that their young sovereign should be educated in the court of Edward. Anxious, however, for the liberty and independency of their country, they took care to stipulate very

g Rymer, vol. ii. p. 266.

equitable conditions, ere they entrusted themselves into the hands of so great and so ambitious a monarch. It was agreed that they should enjoy all their ancient laws, liberties, and customs; that in case young Edward and Margaret should die without issue, the crown of Scotland should revert to the next heir, and should be inherited by him free and independent; that the military tenants of the crown should never be obliged to go out of Scotland, in order to do homage to the sovereign of the united kingdoms, nor the chapters of cathedral, collegiate, or conventual churches, in order to make elections; that the parliaments summoned for Scottish affairs should always be held within the bounds of that kingdom; and that Edward should bind himself under the penalty of 100,000 marks, payable to the pope for the use of the holy wars, to observe all these articles [h]. It is not easy to conceive that two nations could have treated more on a foot of equality than Scotland and England maintained during the whole course of this transaction: And though Edward gave his assent to the article concerning the future independency of the Scottish crown, with a *saving of his former rights*; this reserve gave no alarm to the nobility of Scotland, both because these rights, having hitherto been little heard of, had occasioned no disturbance, and because the Scots had so near a prospect of seeing them entirely absorbed in the rights of their sovereignty. 1290.

But this project, so happily formed, and so amicably conducted, failed of success, by the sudden death of the Norwegian princess, who expired on her passage to Scotland [i], and left a very dismal prospect to the kingdom. Though disorders were for the present obviated by the authority of the regency formerly established, the succession itself of the 1291.

Competition for the crown of Scotland.

[h] Rymer, vol. ii. p. 482.

[i] Heming. vol. i. p. 30. Trivet, p. 268.

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crown was now become an object of dispute; and the regents could not expect that a controversy, which is not usually decided by reason and argument alone, would be peaceably settled by them, or even by the states of the kingdom, amidst so many powerful pretenders. The posterity of William king of Scotland, the prince taken prisoner by Henry II. being all extinct by the death of Margaret of Norway; the right to the crown devolved on the issue of David earl of Huntingdon, brother to William, whose male line being also extinct, left the succession open to the posterity of his daughters. The earl of Huntingdon had three daughters; Margaret, married to Alan lord of Galloway, Isabella, wife of Robert Brus or Bruce, lord of Annandale, and Adama, who espoused Henry lord Hastings. Margaret, the eldest of the sisters, left one daughter, Devergilda, married to John Baliol, by whom she had a son of the same name, one of the present competitors for the crown: Isabella, the second, bore a son, Robert Bruce, who was now alive, and who also insisted on his claim: Adama, the third, left a son, John Hastings, who pretended that the kingdom of Scotland, like many other inheritances, was divisible among the three daughters of the earl of Huntingdon, and that he, in right of his mother, had a title to a third of it. Baliol and Bruce united against Hastings, in maintaining that the kingdom was indivisible; but each of them, supported by plausible reasons, asserted the preference of his own title. Baliol was sprung from the elder branch: Bruce was one degree nearer the common stock: If the principle of representation was regarded, the former had the better claim: If propinquity was considered, the latter was entitled to the preference[k]: The sentiments of men were divided: All the nobility had taken part on one side

[k] Heming, vol. i. p. 36.

of

1291.

or the other: The people followed implicitly their leaders: The two claimants themſelves had great power and numerous retainers in Scotland: And it is no wonder that, among a rude people, more accuſtomed to arms than enured to laws, a controverſy of this nature, which could not be decided by any former precedent among them, and which is capable of exciting commotions in the moſt legal and beſt eſtabliſhed governments, ſhould threaten the ſtate with the moſt fatal convulſions.

EACH century has its peculiar mode in conducting buſineſs; and men, guided more by cuſtom than by reaſon, follow, without enquiry, the manners which are prevalent in their own time. The practice of that age, in controverſies between ſtates and princes, ſeems to have been to chuſe a foreign prince, as an equal arbiter, by whom the queſtion was decided, and whoſe ſentence prevented thoſe diſmal confuſions and diſorders, inſeparable at all times from war, but which were multiplied a hundred fold, and diſperſed into every corner, by the nature of the feudal governments. It was thus that the Engliſh king and barons, in the preceding reign, had endeavoured to compoſe their diſſenſions by a reference to the king of France; and the celebrated integrity of that monarch had prevented all the bad effects which might naturally have been dreaded from ſo perilous an expedient. It was thus that the kings of France and Arragon, and afterwards other princes, had ſubmitted their controverſies to Edward's judgment; and the remoteneſs of their ſtates, the great power of the princes, and the little intereſt which he had on either ſide, had induced him to acquit himſelf with honour in his deciſions. The parliament of Scotland, therefore, threatened with a furious civil war, and allured by the great reputation of the Engliſh monarch, as well as by the preſent amicable correſpondence between the kingdoms, agreed in making a reference

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CHAP. XIII. 1291. Reference to Edward.

to Edward; and Fraser, bishop of St. Andrews, with other deputies, was sent to notify to him their resolution, and to claim his good offices in the present dangers to which they were exposed[1]. His inclination, they flattered themselves, led him to prevent their dissensions, and to interpose with a power which none of the competitors would dare to withstand: When this expedient was proposed by one party, the other deemed it dangerous to object to it: Indifferent persons thought that the imminent perils of a civil war would thereby be prevented: And no one reflected on the ambitious character of Edward, and the almost certain ruin which must attend a small state, divided by faction, when it thus implicitly submits itself to the will of so powerful and encroaching a neighbour.

Homage of Scotland.

THE temptation was too strong for the virtue of the English monarch to resist. He purposed to lay hold of the present favourable opportunity, and if not to create, at least to revive, his claim of a feudal superiority over Scotland; a claim which had hitherto lain in the deepest obscurity, and which, if ever it had been an object of attention, or had been so much as suspected, would have effectually prevented the Scottish barons from chusing him for an umpire. He well knew, that, if this pretension were once submitted to, as it seemed difficult, in the present situation of Scotland, to oppose it, the absolute sovereignty of that kingdom (which had been the case with Wales) would soon follow; and that one great vassal, cooped up in an island with his liege lord, without resource from foreign powers, without aid from any fellow vassals, could not long maintain his dominions against the efforts of a mighty kingdom, assisted by all the cavils which the feudal law afforded his superior against him. In pursuit of this great object, very advan-

[1] Heming. vol. i. p. 31.

tageous

1291.

tageous to England, perhaps in the end no leſs beneficial to Scotland, but extremely unjuſt and iniquitous in itſelf, Edward buſied himſelf in ſearching for proofs of his pretended ſuperiority; and inſtead of looking into his own archives, which, if his claim had been real, muſt have afforded him numerous records of the homages done by the Scottiſh princes, and could alone yield him any authentic teſtimony, he made all the monaſteries be ranſacked for old chronicles and hiſtories written by Engliſhmen, and he collected all the paſſages which ſeemed anywiſe to favour his pretenſions[m]. Yet even in this method of proceeding, which muſt have diſcovered to himſelf the injuſtice of his claim, he was far from being fortunate. He began his proofs from the time of Edward the elder, and continued them through all the ſubſequent Saxon and Norman times; but produced nothing to his purpoſe[n]. The whole amount of his authorities during the Saxon period, when ſtripped of the bombaſt and inaccurate ſtyle of the monkiſh hiſtorians, is, that the Scots had ſometimes been defeated by the Engliſh, had received peace on diſadvantageous terms, had made ſubmiſſions to the Engliſh monarch, and had even perhaps fallen into ſome dependance on a power which was ſo much ſuperior, and which they had not at that time ſufficient force to reſiſt. His authorities from the Norman period were, if poſſible, ſtill leſs concluſive: The hiſtorians indeed make frequent mention of homage done by the northern potentate; but no one of them ſays that it was done for his kingdom; and ſeveral of them declare, in expreſs terms, that it was relative only to the fiefs which he enjoyed ſouth of the Tweed[o]; in the ſame manner, as the king of England himſelf ſwore fealty to the French monarch, for the fiefs which he inherited in France.

[m] Walſing. p. 55. [n] Rymer, vol. ii. p. 559.
[o] Hoveden, p. 492. 662. M. Paris, p. 109. M. Weſt. p. 256.

And

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And to ſuch ſcandalous ſhifts was Edward reduced, that he quotes a paſſage from Hoveden[p], where it is aſſerted, that a Scottiſh king had done homage to England; but he purpoſely omits the latter part of the ſentence, which expreſſes that this prince did homage for the lands which he held in England.

When William, king of Scotland, was taken priſoner in the battle of Alnwic, he was obliged, for the recovery of his liberty, to ſwear fealty to the victor for his crown itſelf. The deed was performed according to all the rites of the feudal law: The record was preſerved in the Engliſh archives, and is mentioned by all the hiſtorians: But as it is the only one of the kind, and as hiſtorians ſpeak of this ſuperiority as a great acquiſition gained by the fortunate arms of Henry II.[q], there can remain no doubt, that the kingdom of Scotland was, in all former periods, entirely free and independent. Its ſubjection continued a very few years: King Richard, deſirous, before his departure for the Holy Land, to conciliate the friendſhip of William, renounced that homage, which, he ſays in expreſs terms, had been extorted by his father; and he only retained the uſual homage which had been done by the Scottiſh princes for the lands which they held in England.

But though this tranſaction rendered the independence of Scotland ſtill more unqueſtionable, than if no fealty had ever been ſworn to the Engliſh crown; the Scottiſh kings, apprized of the point aimed at by their powerful neighbours, ſeem for a long time to have retained ſome jealouſy on that head, and in doing homage, to have anxiouſly obviated all ſuch pretenſions. When William in 1200 did homage to John at Lincoln, he was careful to inſert a ſalvo for his royal dignity[r]: When Alexander III. ſent aſſiſtance to his father-in-law

p P. 662. q Neubr. lib. ii. cap. 4. Knyghton, p. 2392. r Hoveden, p. 811.

Henry

Henry III. during the wars of the barons, he previously procured an acknowledgment, that this aid was granted only from friendship, not from any right claimed by the English monarch [s]: And when the same prince was invited to assist at the coronation of this very Edward, he declined attendance, till he received a like acknowledgment [t]. 1291.

But as all these reasons (and stronger could not be produced) were but a feeble rampart against the power of the sword, Edward, carrying with him a great army, which was to enforce his proofs, advanced to the frontiers, and invited the Scottish parliament, and all the competitors, to attend him in the castle of Norham, a place situated on the southern banks of the Tweed, in order to determine that cause which had been referred to his arbitration. But though this deference seemed due to so great a monarch, and was no more than what his father and the English barons had, in similar circumstances, paid to Lewis IX., the king, careful not to give umbrage, and determined never to produce his claim, till it should be too late to think of opposition, sent the Scottish barons an acknowledgment, that, though at that time they passed the frontiers, this step should never be drawn into precedent, or afford the English kings a pretence for exacting a like submission in any future transaction [u]. 10th May. When the whole Scottish nation had thus unwarily put themselves in his power, Edward opened the conferences at Norham: He informed the parliament, by the mouth of Roger le Brabancon, his chief justiciary, that he was come thither to determine the right among the competitors to their crown; that he was determined to do strict justice to all parties; and that he was entitled to this authority, not in virtue of the reference made to him, but in quality of superior and liege lord of the

[s] Rymer, vol. ii. p. 844. [t] See note [B] at the end of the volume. [u] Rymer, vol. ii. p. 539. 845. Walsing. p. 56.

kingdom.

CHAP. X I. 1291.

kingdom[w]. He then produced his proofs of this superiority, which he pretended to be unquestionable, and he required of them an acknowledgment of it; a demand which was superfluous if the fact were already known and avowed, and which plainly betrays Edward's consciousness of his lame and defective title. The Scottish parliament was astonished at so new a pretension, and answered only by their silence. But the king, in order to maintain the appearance of free and regular proceedings, desired them to remove into their own country, to deliberate upon his claim, to examine his proofs, to propose all their objections, and to inform him of their resolution: And he appointed a plain at Upsettleton, on the northern banks of the Tweed, for that purpose.

WHEN the Scottish barons assembled in this place, though moved with indignation at the injustice of this unexpected claim, and at the fraud with which it had been conducted, they found themselves betrayed into a situation, in which it was impossible for them to make any defence for the ancient liberty and independence of their country. The king of England, a martial and politic prince, at the head of a powerful army, lay at a very small distance, and was only separated from them by a river fordable in many places. Though by a sudden flight some of them might themselves be able to make their escape, what hopes could they entertain of securing the kingdom against his future enterprises? Without a head, without union among themselves, attached all of them to different competitors, whose title they had rashly submitted to the decision of this foreign usurper, and who were thereby reduced to an absolute dependence upon him; they could only expect, by resistance, to entail on themselves and their posterity a more

[w] Rymer, vol. ii. p. 543. See note [C] at the end of the volume.

grievous

grievous and more destructive servitude. Yet, even in this desperate state of their affairs, the Scottish barons, as we learn from Walsingham [w], one of the best historians of that period, had the courage to reply, that, till they had a king, they could take no resolution on so momentous a point: The journal of king Edward says, that they made no answer at all [x]: That is, perhaps, no *particular* answer or objection to Edward's claim: And by this solution it is possible to reconcile the journal with the historian. The king therefore, interpreting their silence as consent, addressed himself to the several competitors, and previously to his pronouncing sentence, required their acknowledgment of his superiority.

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It is evident from the genealogy of the royal family of Scotland, that there could only be two questions about the succession, that between Baliol and Bruce on the one hand, and lord Hastings on the other, concerning the partition of the crown; and that between Baliol and Bruce themselves concerning the preference of their respective titles, supposing the kingdom indivisible: Yet there appeared on this occasion no less than nine claimants besides; John Comyn or Cummin lord of Badenoch, Florence earl of Holland, Patric Dunbar earl of March, William de Vescey, Robert de Pynkeni, Nicholas de Soules, Patric Galythly, Roger de Mandeville, Robert de Ross; not to mention the king of Norway, who claimed as heir to his daughter Margaret [y]. Some of these competitors were descended from more remote branches of the royal family; others were even sprung from illegitimate children; and as none of them had the least pretence of right, it is natural to conjecture, that Edward had secretly encouraged them to appear in the list of claimants, that he might

[w] Page 56. M. West. p. 436. It is said by Hemingford, vol. i. p. 33. that the king menaced violently the Scotch barons, and forced them to compliance, at least to silence.

[x] Rymer, vol. ii. p. 548. [y] Walsing. p. 58.

sow

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fow the more divifion among the Scottifh nobility, make the caufe appear the more intricate, and be able to chufe, among a great number, the moft obfequious candidate.

But he found them all equally obfequious on this occafion[z]. Robert Bruce was the firft that acknowledged Edward's right of fuperiority over Scotland; and he had fo far forefeen the king's pretenfions, that even in his petition, where he fet forth his claim to the crown, he had previoufly applied to him as liege lord of the kingdom; a ftep which was not taken by any of the other competitors[a]. They all, however, with feeming willingnefs, made a like acknowledgment when required; though Baliol, left he fhould give offence to the Scottifh nation, had taken care to be abfent during the firft days; and he was the laft that recognized the king's title[b]. Edward next deliberated concerning the method of proceeding in the difcuffion of this great controverfy. He gave orders, that Baliol, and fuch of the competitors as adhered to him, fhould chufe forty commiffioners; Bruce and his adherents forty more: To thefe the king added twenty-four Englifhmen: He ordered thefe hundred and four commiffioners to examine the caufe deliberately among themfelves, and make their report to him[c]: And he promifed in the enfuing year to give his determination. Mean while he pretended that it was requifite to have all the fortreffes of Scotland delivered into his hands, in order to enable him, without oppofition, to put the true heir in poffeffion of the crown; and this exorbitant demand was complied with, both by the ftates and by the claimants[d]. The governors alfo of all the caftles immediately refigned their command; except Umfreville earl

[z] Rymer, vol. ii. p. 529. 545. Walfing. p. 56. Heming, vol. i. p. 33, 34. Trivet, p. 260. M. Weft. p. 415. [a] Rymer, vol. ii. p. 577, 578, 579. [b] Ibid p. 546. [c] Ibid. p. 555, 556. [d] Ibid. p. 529. Walfing. p. 56, 57.

of

of Angus, who refused, without a formal and particular acquittal from the parliament and the several claimants, to surrender his fortresses to so domineering an arbiter, who had given to Scotland so many just reasons of suspicion[e]. Before this assembly broke up, which had fixed such a mark of dishonour on the nation, all the prelates and barons there present swore fealty to Edward; and that prince appointed commissioners to receive a like oath from all the other barons and persons of distinction in Scotland[f]. 1291.

The king having finally made, as he imagined, this important acquisition, left the commissioners to sit at Berwic, and examine the titles of the several competitors who claimed the precarious crown, which Edward was willing for some time to allow the lawful heir to enjoy. He went southwards, both in order to assist at the funeral of his mother queen Eleanor, who died about this time, and to compose some differences which had arisen among the principal nobility. Gilbert earl of Glocester, the greatest baron of the kingdom, had espoused the king's daughter; and being elated by that alliance, and still more by his own power, which, he thought, set him above the laws, he permitted his bailiffs and vassals to commit violence on the lands of Humphry Bohun earl of Hereford, who retaliated the injury by like violence. But this was not a reign in which such illegal proceedings could pass with impunity. Edward procured a sentence against the two earls, committed them both to prison, and would not restore them to their liberty till he exacted a fine of 1000 marks from Hereford, and one of 10,000 from his son-in-law.

During this interval, the titles of John Baliol and of Robert Bruce, whose claims appeared to be the best founded among the competitors for the 1292.

[e] Rymer, vol. ii. p. 531. [f] Ibid. p. 573.

CHAP. XIII. 1292. crown of Scotland, were the ſubject of general diſquiſition, as well as of debate among the commiſſioners. Edward, in order to give greater authority to his intended deciſion, propoſed this general queſtion both to the commiſſioners and to all the celebrated lawyers in Europe; Whether a perſon deſcended from the eldeſt ſiſter, but farther removed by one degree, were preferable, in the ſucceſſion of kingdoms, fiefs, and other indiviſible inheritances, to one deſcended from the younger ſiſter, but one degree nearer to the common ſtock? This was the true ſtate of the caſe; and the principle of repreſentation had now gained ſuch ground every where, that a uniform anſwer was returned to the king in the affirmative. He therefore pronounced ſentence in favour of Baliol; and when Bruce, upon this diſappointment, joined afterwards lord Haſtings, and claimed a third of the kingdom, which he now pretended to be diviſible, Edward, though his intereſt ſeemed more to require the partition of Scotland, again pronounced ſentence in favour of Baliol. That competitor, upon renewing his oath of fealty to England, was put in poſſeſſion of the kingdom[g]; all his fortreſſes were reſtored to him[h]; and the conduct of Edward, both in the deliberate ſolemnity of the proceedings, and in the juſtice of the award, was ſo far unexceptionable.

Award of Edward in favour of Baliol.

1293. HAD the king entertained no other view than that of eſtabliſhing his ſuperiority over Scotland, though the iniquity of that claim was apparent, and was aggravated by the moſt egregious breach of truſt, he might have fixed his pretenſions, and have left that important acquiſition to his poſterity: But he immediately proceeded in ſuch a manner, as made it evident, that, not content with this uſurpation, he aimed alſo at the abſolute ſovereignty and do-

g Rymer, vol. ii. p. 590, 591. 593. 600.
h Ibid. p. 590.

minion

minion of the kingdom. Inſtead of gradually inuring the Scots to the yoke, and exerting his rights of ſuperiority with moderation, he encouraged all appeals to England; required king John himſelf, by ſix different ſummons on trivial occaſions, to come to London[i]; refuſed him the privilege of defending his cauſe by a procurator; and obliged him to appear at the bar of his parliament as a private perſon[k]. Theſe humiliating demands were hitherto quite unknown to a king of Scotland: They are, however, the neceſſary conſequence of vaſſalage by the feudal law; and as there was no preceding inſtance of ſuch treatment ſubmitted to by a prince of that country, Edward muſt, from that circumſtance alone, had there remained any doubt, have been himſelf convinced that his claim was altogether an uſurpation *. But his intention plainly was, to enrage Baliol by theſe indignities, to engage him in rebellion, and to aſſume the dominion of the ſtate, as the puniſhment of his treaſon and felony. Accordingly Baliol, though a prince of a ſoft and gentle ſpirit, returned into Scotland highly provoked at this uſage, and determined at all hazards to vindicate his liberty; and the war which ſoon after broke out between France and England gave him a favourable opportunity of executing his purpoſe.

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THE violence, robberies, and diſorders, to which that age was ſo ſubject, were not confined to the licentious barons and their retainers at land: The ſea was equally infeſted with piracy: The feeble execution of the laws had given licenſe to all orders of men: And a general appetite for rapine and revenge, ſupported by a falſe point of honour, had alſo infected the merchants and mariners; and it puſhed them, on any provocation, to ſeek redreſs

i Rymer, vol. ii. p. 603. 605, 606. 608. 615, 616.
k Ryley's Placit. Parl. p. 152, 153.
* See note [D] at the end of the volume.

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1293. War with France.

by immediate retaliation upon the aggreſſors. A Norman and an Engliſh veſſel met off the coaſt near Bayonne; and both of them having occaſion for water, they ſent their boats to land, and the ſeveral crews came at the ſame time to the ſame ſpring: There enſued a quarrel for the preference: A Norman, drawing his dagger, attempted to ſtab an Engliſhman; who grappling with him, threw his adverſary on the ground; and the Norman, as was pretended, falling on his own dagger, was ſlain[l]. This ſcuffle between two ſeamen about water, ſoon kindled a bloody war between the two nations, and involved a great part of Europe in the quarrel. The mariners of the Norman ſhip carried their complaints to the French king: Philip, without enquiring into the fact, without demanding redreſs, bade them take revenge, and trouble him no more about the matter[m]. The Normans, who had been more regular than uſual in applying to the crown, needed but this hint to proceed to immediate violence. They ſeized an Engliſh ſhip in the channel; and hanging, along with ſome dogs, ſeveral of the crew on the yard-arm, in preſence of their companions, diſmiſſed the veſſel[n]; and bade the mariners inform their countrymen, that vengeance was now taken for the blood of the Norman killed at Bayonne. This injury, accompanied with ſo general and deliberate an inſult, was reſented by the mariners of the cinque-ports, who, without carrying any complaint to the king, or waiting for redreſs, retaliated, by committing like barbarities on all French veſſels without diſtinction. The French, provoked by their loſſes, preyed on the ſhips of all Edward's ſubjects, whether Engliſh or Gaſcon: The ſea became a ſcene of piracy between the nations: The ſovereigns, without either ſeconding or repreſſing the violence of their ſubjects, ſeemed to remain

[l] Walſing. p. 58. Heming. vol. i. p. 39. [m] Walſing. p. 58.
[n] Heming. vol. i. p. 40. M. Weſt. p. 419.

indifferent

indifferent spectators: The English made private associations with the Irish and Dutch seamen; the French with the Flemish and Genoese[o]: And the animosities of the people on both sides became every day more violent and barbarous. A fleet of two hundred Norman vessels set sail to the south for wine and other commodities; and in their passage seized all the English ships which they met with; hanged the seamen, and seized the goods. The inhabitants of the English sea-ports, informed of this incident, fitted out a fleet of sixty sail, stronger and better manned than the others, and awaited the enemy on their return. After an obstinate battle, they put them to rout, and sunk, destroyed, or took the greater part of them[p]. No quarter was given; and it is pretended that the loss of the French amounted to fifteen thousand men: Which is accounted for by this circumstance, that the Norman fleet was employed in transporting a considerable body of soldiers from the south. CHAP. XIII. 1293.

THE affair was now become too important to be any longer overlooked by the sovereigns. On Philip's sending an envoy to demand reparation and restitution, the king dispatched the bishop of London to the French court, in order to accommodate the quarrel. He first said, that the English courts of justice were open to all men; and if any Frenchman were injured, he might seek reparation by course of law[q]. He next offered to adjust the matter by private arbiters, or by a personal interview with the king of France, or by a reference either to the pope or the college of cardinals, or any particular cardinals agreed on by both parties[r]. The French, probably the more disgusted as they were hitherto losers in the quarrel, refused all these expedients: The vessels and the goods of merchants were confiscated on both sides: Depredations were

[o] Heming. vol. i. p. 40. Chron. Dunst. vol. ii. p. 609.
[p] Walsing. p. 60. Trivet, p. 274.
[q] Trivet, p. 275.
[r] Ibid.

CHAP. XIII. 1293. continued by the Gascons on the western coast of France, as well as by the English in the channel: Philip cited the king, as duke of Guienne, to appear in his court at Paris, and answer for these offences: And Edward, apprehensive of danger to that province, sent John St. John, an experienced soldier, to Bourdeaux, and gave him directions to
1294. put Guienne in a posture of defence[s].

THAT he might, however, prevent a final rupture between the nations, the king dispatched his brother, Edmond earl of Lancaster, to Paris; and as this prince had espoused the queen of Navarre, mother to Jane queen of France, he seemed, on account of that alliance, the most proper person for finding expedients to accommodate the difference. Jane pretended to interpose with her good offices: Mary, the queen-dowager, feigned the same amicable disposition: And these two princesses told Edmond, that the circumstance the most difficult to adjust was the point of honour with Philip, who thought himself affronted by the injuries committed against him by his sub-vassals in Guienne: But if Edward would once consent to give him seizin and possession of that province, he would think his honour fully repaired, would engage to restore Guienne immediately, and would accept of a very easy satisfaction for all the other injuries. The king was consulted on the occasion; and as he then found himself in immediate danger of war with the Scots, which he regarded as the more important concern, this politic prince, blinded by his favourite passion for subduing that nation, allowed himself to be deceived by so gross an artifice[t]. He sent his brother orders to sign and execute the treaty with the two queens; Philip solemnly promised to execute his part of it; and the king's citation to appear in the court of France was accordingly recalled: But the

[s] Trivet, p. 276. [t] Rymer, vol. ii. p. 619, 620. Walsing. p. 61. Heming. vol. i. p. 42, 43. Trivet, p. 277.

French monarch was no sooner put in possession of Guienne, than the citation was renewed; Edward was condemned for non-appearance; and Guienne, by a formal sentence, was declared to be forfeited and annexed to the crown[u].

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Edward, fallen into a like snare with that which he himself had spread for the Scots, was enraged; and the more so, as he was justly ashamed of his own conduct, in being so egregiously over-reached by the court of France. Sensible of the extreme difficulties which he should encounter in the recovery of Gascony, where he had not retained a single place in his hands, he endeavoured to compensate that loss, by forming alliances with several princes, who he projected should attack France on all quarters, and make a diversion of her forces. Adolphus de Nassau, king of the Romans, entered into a treaty with him for that purpose[w]; as did also Amadæus count of Savoy, the archbishop of Cologne, the counts of Gueldre and Luxembourg, the duke of Brabant and count of Barre, who had married his two daughters, Margaret and Eleanor: But these alliances were extremely burdensome to his narrow revenues, and proved in the issue entirely ineffectual. More impression was made on Guienne by an English army, which he completed by emptying the jails of many thousand thieves and robbers, who had been confined there for their crimes. So low had the profession of arms fallen, and so much had it degenerated from the estimation in which it stood during the vigour of the feudal system!

1295. The king himself was detained in England, first by contrary winds[x], then by his apprehension of a Scottish invasion, and by a rebellion of the Welsh, whom he repressed and brought again under sub-

[u] Rymer, vol. ii. p. 620. 622. Walsing. p. 61. Trivet, p. 278.
[w] Heming. vol. i. p. 51. [x] Chron. Dunst. vol. ii. p. 622.

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jection[y]. The army, which he ſent to Guienne, was commanded by his nephew, John de Bretagne earl of Richmond, and under him by St. John, Tibetot, de Vere, and other officers of reputation[z]; who made themſelves maſters of the town of Bayonne, as well as of Bourg, Blaye, Reole, St. Severe, and other places, which ſtraitened Bourdeaux, and cut off its communication both by ſea and land. The favour which the Gaſcon nobility bore to the Engliſh government facilitated theſe conqueſts, and ſeemed to promiſe ſtill greater ſucceſſes; but this advantage was ſoon loſt by the miſconduct of ſome of the officers. Philip's brother, Charles de Valois, who commanded the French armies, having laid ſiege to Podenſac, a ſmall fortreſs near Reole, obliged Giffard the governor to capitulate; and the articles, though favourable to the Engliſh, left all the Gaſcons priſoners at diſcretion, of whom above fifty were hanged by Charles as rebels: A policy by which he both intimidated that people, and produced an irreparable breach between them and the Engliſh[a]. That prince immediately attacked Reole, where the earl of Richmond himſelf commanded; and as the place ſeemed not tenable, the Engliſh general drew his troops to the water-ſide, with an intention of embarking with the greater part of the army. The enraged Gaſcons fell upon his rear, and at the ſame time opened their gates to the French, who, beſides making themſelves maſters of the place, took many priſoners of diſtinction. St. Severe was more vigorouſly defended by Hugh de Vere, ſon of the earl of Oxford; but was at laſt obliged to capitulate. The French king, not content with theſe ſucceſſes in Gaſcony, threatened England with an invaſion; and, by a ſudden attempt, his troops took and

y Walſing. p. 62. Heming. vol. i. p. 55. Trivet, p. 282. Chron. Dunſt. vol. ii. p. 622. z Trivet, p. 279. a Heming. vol. i. p. 49.

burnt

1295.

burnt Dover [b], but were obliged ſoon after to retire. And in order to make a greater diverſion of the Engliſh force, and engage Edward in dangerous and important wars, he formed a ſecret alliance with John Baliol king of Scotland; the commencement of that ſtrict union which during ſo many centuries was maintained by mutual intereſts and neceſſities between the French and Scottiſh nations. John confirmed this alliance, by ſtipulating a marriage between his eldeſt ſon and the daughter of Charles de Valois [c].

Digreſſion concerning the conſtitution of parliament.

THE expences attending theſe multiplied wars of Edward, and his preparations for war, joined to alterations which had inſenſibly taken place in the general ſtate of affairs, obliged him to have frequent recourſe to parliamentary ſupplies, introduced the lower orders of the ſtate into the public councils, and laid the foundations of great and important changes in the government.

THOUGH nothing could be worſe calculated for cultivating the arts of peace, or maintaining peace itſelf, than the long ſubordination of vaſſalage from the king to the meaneſt gentleman, and the conſequent ſlavery of the lower people; evils inſeparable from the feudal ſyſtem; that ſyſtem was never able to fix the ſtate in a proper warlike poſture, or give it the full exertion of its power for defence, and ſtill leſs for offence againſt a public enemy. The military tenants, unacquainted with obedience, unexperienced in war, held a rank in the troops by their birth, not by their merits or ſervices; compoſed a diſorderly, and conſequently a feeble army; and during the few days which they were obliged by their tenures to remain in the field, were often more formidable to their own prince than to foreign powers, againſt whom they were aſſembled. The

b Trivet, p. 284. Chron. Dunſt. vol. ii. p. 642. c Rymer, vol. ii. p. 680, 681. 695. 697. Heming. vol. i. p. 76. Trivet, p. 285.

ſovereigns

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ſovereigns came gradually to diſuſe this cumberſome and dangerous machine, ſo apt to recoil upon the hand which held it; and exchanging the military ſervice for pecuniary ſupplies, inliſted forces by means of a contract with particular officers (ſuch as thoſe the Italians denominate *Condottieri*), whom they diſmiſſed at the end of the war[d]. The barons and knights themſelves often entered into theſe engagements with the prince; and were enabled to fill their bands, both by the authority which they poſſeſſed over their vaſſals and tenants, and from the great numbers of looſe diſorderly people, whom they found on their eſtates, and who willingly embraced an opportunity of gratifying their appetite for war and rapine.

MEANWHILE the old Gothic fabric, being neglected, went gradually to decay. Though the Conqueror had divided all the lands of England into ſixty thouſand knights' fees, the number of theſe was inſenſibly diminiſhed by various artifices; and the king at laſt found, that by putting the law in execution, he could aſſemble a ſmall part only of the ancient force of the kingdom. It was an uſual expedient for men who held of the king or great barons by military tenure, to transfer their land to the church, and receive it back by another tenure, called frankalmoigne, by which they were not bound to perform any ſervice[e]. A law was made againſt this practice; but the abuſe had probably gone far before it was attended to, and probably was not entirely corrected by the new ſtatute, which, like moſt laws of that age, we may conjecture to have been but feebly executed by the magiſtrate againſt the perpetual intereſt of ſo many individuals. The conſtable and mareſchal, when they muſtered the armies, often in a hurry, and for want of better information, received the ſervice of a baron for fewer

[d] Cotton's Abr. p. 11. [e] Madox's Baronia Anglica, p. 114.

knights'

knights' fees than were due by him; and one precedent of this kind was held good against the king, and became ever after a reason for diminishing the service[f]. The rolls of knights' fees were inaccurately kept; no care was taken to correct them before the armies were summoned into the field[g]; it was then too late to think of examining records and charters; and the service was accepted on the footing which the vassal himself was pleased to acknowledge, after all the various subdivisions and conjunctions of property had thrown an obscurity on the nature and extent of his tenure[h]. It is easy to judge of the intricacies which would attend disputes of this kind with individuals; when even the number of military fees belonging to the church, whose property was fixed and unalienable, became the subject of controversy; and we find in particular, that when the bishop of Durham was charged with seventy knights' fees for the aid levied on occasion of the marriage of Henry II.'s daughter to the duke of Saxony, the prelate acknowledged ten and disowned the other sixty[i]. It is not known in what manner this difference was terminated; but had the question been concerning an armament to defend the kingdom, the bishop's service would probably have been received without opposition for ten fees; and this rate must also have fixed all his future payments. Pecuniary scutages, therefore, diminished as much as military services[k]: Other methods of filling the exchequer, as well as the armies,

f Madox's Baronia Anglica. p. 115.

g We hear only of one king, Henry II. who took this pains; and the record, called Liber niger Scaccarii, was the result of it.

h Madox, Bar. Ang. p. 116. i Ibid. p. 122. Hist. of Exch. p. 404.

k In order to pay the sum of 100,000 marks, as king Richard's ransom, twenty shillings were imposed on each knight's fee. Had the fees remained on the original footing as settled by the Conqueror, this scutage would have amounted to 90,000 marks, which was nearly the sum required: But we find that other grievous taxes were imposed to complete it: A certain proof that many frauds and abuses had prevailed in the roll of knights' fees.

must

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must be devised: New situations produced new laws and institutions; and the great alterations in the finances and military power of the crown, as well as in private property, were the source of equal innovations in every part of the legislature or civil government.

THE exorbitant estates conferred by the Norman on his barons and chieftains, remained not long entire and unimpaired. The landed property was gradually shared out into more hands; and those immense baronies were divided, either by provisions to younger children, by partitions among co-heirs, by sale, or by escheating to the king, who gratified a great number of his courtiers, by dealing them out among them in smaller portions. Such moderate estates, as they required œconomy, and confined the proprietors to live at home, were better calculated for duration; and the order of knights and small barons grew daily more numerous, and began to form a very respectable rank or order in the state. As they were all immediate vassals of the crown by military tenure, they were, by the principles of the feudal law, equally intitled with the greatest barons to a seat in the national or general councils; and this right, though regarded as a privilege which the owners would not entirely relinquish, was also considered as a burthen, which they desired to be subjected to on extraordinary occasions only. Hence it was provided in the charter of king John, that while the great barons were summoned to the national council by a particular writ, the small barons, under which appellation the knights were also comprehended, should only be called by a general summons of the sheriff. The distinction between great and small barons, like that between rich and poor, was not exactly defined; but agreeably to the inaccurate genius of that age, and to the simplicity of ancient government, was left very much to be determined by the discretion of the king

and his ministers. It was usual for the prince to require, by a particular summons, the attendance of a baron in one parliament, and to neglect him in future parliaments[l]; nor was this uncertainty ever complained of as an injury. He attended when required: He was better pleased, on other occasions, to be exempted from the burthen: And as he was acknowledged to be of the same order with the greatest barons, it gave them no surprise to see him take his seat in the great council, whether he appeared of his own accord, or by a particular summons from the king. The barons by *writ*, therefore, began gradually to intermix themselves with the barons by *tenure*; and as Camden tells us[m], from an ancient manuscript now lost, that after the battle of Evesham a positive law was enacted, prohibiting every baron from appearing in parliament who was not invited thither by a particular summons, the whole baronage of England held thenceforward their seat by writ, and this important privilege of their tenures was in effect abolished. Only where writs had been regularly continued for some time in one great family, the omission of them would have been regarded as an affront, and even as an injury.

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A LIKE alteration gradually took place in the order of earls, who were the highest rank of barons. The dignity of an earl, like that of a baron, was anciently territorial and official[n]: He exercised jurisdiction within his county: He levied the third of the fines to his own profit: He was at once a civil and a military magistrate: And though his authority, from the time of the Norman conquest, was hereditary in England, the title was so much connected with the office, that where the king intended to create a new earl, he had no other expedient than

l Chancellor West's Enquiry into the Manner of creating Peers, p. 43. 46, 47. 55. m In Britann. p. 122. n Spelm. Gloss. in voce *Comes*.

to

CHAP. XIII. 1295. to erect a certain territory into a county or earldom, and to bestow it upon the person and his family [o]. But as the sheriffs, who were the vicegerents of the earls, were named by the king, and removeable at pleasure, he found them more dependant upon him; and endeavoured to throw the whole authority and jurisdiction of the office into their hands. This magistrate was at the head of the finances, and levied all the king's rents within the county: He assessed at pleasure the talliages of the inhabitants in royal demesne: He had usually committed to him the management of wards, and often of escheats: He presided in the lower courts of judicature: And thus, though inferior to the earl in dignity, he was soon considered, by this union of the judicial and fiscal powers, and by the confidence reposed in him by the king, as much superior to him in authority, and undermined his influence within his own jurisdiction [p]. It became usual, in creating an earl, to give him a fixed salary, commonly about twenty pounds a year, in lieu of his third of the fines: The diminution of his power kept pace with the retrenchment of his profit: And the dignity of earl, instead of being territorial and official, dwindled into personal and titular. Such were the mighty alterations which already had fully taken place, or were gradually advancing in the house of peers; that is, in the parliament: For there seems anciently to have been no other house.

But though the introduction of barons by writ, and of titular earls, had given some increase to royal authority, there were other causes which counterbalanced those innovations, and tended in a higher degree to diminish the power of the sovereign. The disuse into which the feudal militia had in a

[o] Essays on British Antiquities. This practice, however, seems to have been more familiar in Scotland, and the kingdoms on the continent, than in England.

[p] There are instances of the princes of the blood who accepted of the office of sheriff. Spelman in voce *Vicecomes*.

great

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great meaſure fallen, made the barons almoſt entirely forget their dependance on the crown: By the diminution of the number of knights' fees, the king had no reaſonable compenſation when he levied ſcutages, and exchanged their ſervice for money: The alienations of the crown lands had reduced him to poverty: And above all, the conceſſion of the Great Charter had ſet bounds to royal power, and had rendered it more difficult and dangerous for the prince to exert any extraordinary act of arbitrary authority. In this ſituation, it was natural for the king to court the friendſhip of the leſſer barons and knights, whoſe influence was noways dangerous to him, and who, being expoſed to oppreſſion from their powerful neighbours, ſought a legal protection under the ſhadow of the throne. He deſired, therefore, to have their preſence in parliament, where they ſerved to control the turbulent reſolutions of the great. To exact a regular attendance of the whole body would have produced confuſion, and would have impoſed too heavy a burden upon them. To ſummon only a few by writ, though it was practiſed, and had a good effect, ſerved not entirely the king's purpoſe; becauſe theſe members had no farther authority than attended their perſonal character, and were eclipſed by the appearance of the more powerful nobility. He therefore diſpenſed with the attendance of moſt of the leſſer barons in parliament; and in return for this indulgence (for ſuch it was then eſteemed), required them to chuſe in each county a certain number of their own body, whoſe charges they bore, and who, having gained the confidence, carried with them of courſe the authority of the whole order. This expedient had been practiſed at different times in the reign of Henry III.[q], and regularly during that of the pre-

[q] Rot. Clauſ. 38 Hen. III. m. 7. and 12. d.: As alſo Rot. Clauſ. 42 Hen. III. m. 1. d. Prynne's Pref. to Cotton's Abridgment.

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sent king. The numbers sent up by each county varied at the will of the prince [r]: They took their seat among the other peers; because by their tenure they belonged to that order [s]: The introducing of them into that house scarcely appeared an innovation: And though it was easily in the king's power, by varying their number, to command the resolutions of the whole parliament, this circumstance was little attended to in an age when force was more prevalent than laws, and when a resolution, though taken by the majority of a legal assembly, could not be executed if it opposed the will of the more powerful minority.

But there were other important consequences which followed the diminution and consequent disuse of the ancient feudal militia. The king's expence in levying and maintaining a military force for every enterprise was increased beyond what his narrow revenues were able to bear: As the scutages of his military tenants, which were accepted in lieu of their personal service, had fallen to nothing, there were no means of supply but from voluntary aids granted him by the parliament and clergy; or from the talliages which he might levy upon the towns and inhabitants in royal demesne. In the preceding year Edward had been obliged to exact no less than the sixth of all moveables from the laity, and a moiety of all ecclesiastical benefices [t], for his expedition into Poictou, and the suppression of the Welsh: And this distressful situation, which was likely often to return upon him and his successors, made him think of a new device, and summon the representatives of all the boroughs to parliament. This period, which is the twenty-third of his reign, seems to be the real and the true epoch of the house of commons, and the faint dawn of popular government

[r] Brady's Answer to Petit, from the records, p. 151. [s] Brady's Treatise of Boroughs, App. N° 13. [t] Ibid. p. 31. from the records. Heming. vol. i. p. 52. M. West. p. 422. Ryley, p. 462.

ment

ment in England. For the representatives of the counties were only deputies from the smaller barons and lesser nobility: And the former precedent of representatives from the boroughs, who were summoned by the earl of Leicester, was regarded as the act of a violent usurpation, had been discontinued in all the subsequent parliaments; and if such a measure had not become necessary on other accounts, that precedent was more likely to blast than give credit to it.

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DURING the course of several years, the kings of England, in imitation of other European princes, had embraced the salutary policy of encouraging and protecting the lower and more industrious orders of the state; whom they found well disposed to obey the laws and civil magistrate, and whose ingenuity and labour furnished commodities requisite for the ornament of peace and support of war. Though the inhabitants of the country were still left at the disposal of their imperious lords; many attempts were made to give more security and liberty to citizens, and make them enjoy unmolested the fruits of their industry. Boroughs were erected by royal patent within the demesne lands: Liberty of trade was conferred upon them: The inhabitants were allowed to farm at a fixed rent their own tolls and customs [u]: They were permitted to elect their own magistrates: Justice was administered to them by these magistrates, without obliging them to attend the sheriff or county-court: And some shadow of independence, by means of these equitable privileges, was gradually acquired by the people [w]. The king, however, retained still the power of levying talliages or taxes upon them at pleasure [x];

[u] Madox, Firma Burgi, p. 21. [w] Brady of Boroughs, App. No. 1, 2, 3.

[x] The king had not only the power of talliating the inhabitants within his own demesnes, but that of granting to particular barons the power of talliating the inhabitants within theirs. See Brady's Answer to Petyt, p. 118. Madox's Hist. of the Exchequer, p. 518.

and

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and though their poverty, and the cuſtoms of the age, made theſe demands neither frequent nor exorbitant, ſuch unlimited authority in the ſovereign was a ſenſible check upon commerce, and was utterly incompatible with all the principles of a free government. But when the multiplied neceſſities of the crown produced a greater avidity for ſupply, the king, whoſe prerogative entitled him to exact it, found that he had not power ſufficient to enforce his edicts, and that it was neceſſary, before he impoſed taxes, to ſmooth the way for his demand, and to obtain the previous conſent of the boroughs, by ſolicitations, remonſtrances, and authority. The inconvenience of tranſacting this buſineſs with every particular borough was ſoon felt; and Edward became ſenſible, that the moſt expeditious way of obtaining ſupply was, to aſſemble the deputies of all the boroughs, to lay before them the neceſſities of the ſtate, to diſcuſs the matter in their preſence, and to require their conſent to the demands of their ſovereign. For this reaſon he iſſued writs to the ſheriffs, enjoining them to ſend to parliament, along with two knights of the ſhire, two deputies from each borough within their county [y], and theſe provided with ſufficient powers from their community to conſent, in their name, to what he and his council ſhould require of them. *As it is a moſt equitable rule*, ſays he, in his preamble to this writ, *that what concerns all ſhould be approved of by all; and common dangers be repelled by united efforts* [z]; a noble principle, which may ſeem to indicate a liberal mind in the king, and

y Writs were iſſued to about 120 cities and boroughs.

z Brady of Boroughs, p. 25. 33. from the records. The writs of the parliament immediately preceding remain; and the return of knights is there required, but not a word of the boroughs; a demonſtration that this was the very year in which they commenced. In the year immediately preceding, the taxes were levied by a ſeeming free conſent of each particular borough, beginning with London. Id. p. 31, 32, 33. from the records. Alſo his Anſwer to Petyt, p. 40, 41.

which

which laid the foundation of a free and an equitable government. CHAP. XIII. 1295.

After the election of these deputies by the aldermen and common council, they gave sureties for their attendance before the king and parliament: Their charges were respectively borne by the borough which sent them; and they had so little idea of appearing as legislators, a character extremely wide of their low rank and condition[a], that no intelligence could be more disagreeable to any borough, than to find that they must elect, or to any individual than that he was elected to a trust from which no profit or honour could possibly be derived[b]. They composed not, properly speaking, any essential part of the parliament: They sat apart both from the barons and knights[c], who disdained to mix with such mean personages: After they had given their consent to the taxes required of them, their business being then finished, they separated, even though the parliament still continued to sit, and to canvass the national business[d]: And as they all consisted of men who were real burgesses of the place from which they were sent, the sheriff, when he found no person of abilities or wealth sufficient for the office, often used the freedom of omitting particular boroughs in his returns; and as he received the thanks of the people for this indulgence, he gave no displeasure to the court, who levied on all the boroughs, without distinction, the tax agreed to by the majority of deputies[e].

The

[a] Reliquia Spelm. p. 64. Prynne's Pref. to Cotton's Abridg. and the Abridg. passim. [b] Brady of Boroughs, p. 59, 60.

[c] Ibid. p. 37, 38. from the records, and Append. p. 19. Also his Append. to his Answer to Petyt, Record. And his Gloss. in verb. *Communitas Regn.* p. 33.

[d] Ryley's Placit. Parl. p. 241, 242, &c. Cotton's Abridg. p. 14.

[e] Brady of Boroughs, p. 52. from the records. There is even an instance in the reign of Edward III. when the king named all the deputies. Id. Ans. to Petyt, p. 161. If he fairly named the most considerable and creditable burgesses, little exception would be taken; as their

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The union, however, of the repreſentatives from the boroughs gave gradually more weight to the whole order; and it became cuſtomary for them, in return for the ſupplies which they granted, to prefer petitions to the crown for the redreſs of any particular grievance of which they found reaſon to complain. The more the king's demands multiplied, the faſter theſe petitions increaſed both in number and authority; and the prince found it difficult to refuſe men whoſe grants had ſupported his throne, and to whoſe aſſiſtance he might ſo ſoon be again obliged to have recourſe. The commons, however, were ſtill much below the rank of legiſlators[f]. Their petitions, though they received a verbal aſſent from the throne, were only the rudiments of laws: The judges were afterwards entruſted with the power of putting them into form: And the king, by adding to them the ſanction of his authority, and that ſometimes without the aſſent of the nobles, beſtowed validity upon them. The age did not refine ſo much as to perceive the danger of theſe irregularities. No man was diſpleaſed that the ſovereign, at the deſire of any claſs of men, ſhould iſſue an order which appeared only to concern that claſs; and his predeceſſors were ſo near poſſeſſing the whole legiſlative power, that he gave no diſguſt by aſſuming it in this ſeemingly inoffenſive manner. But time and farther experience gradually opened men's eyes, and corrected theſe abuſes. It was found that no laws could be fixed for one order of men, without affecting the whole; and that the force and efficacy of laws depended entirely on the terms employed in wording them. The houſe of peers, therefore, the moſt powerful order in the ſtate, with reaſon ex-

their buſineſs was not to check the king, but to reaſon with him, and conſent to his demands. It was not till the reign of Richard II. that the ſheriffs were deprived of the power of omitting boroughs at pleaſure. See Stat. at Large, 5th Richard II. cap. 4.

[f] See note [E] at the end of the volume.

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pected that their aſſent ſhould be expreſsly granted to all public ordinances [g]: And in the reign of Henry V. the commons required that no laws ſhould be framed merely upon their petitions, unleſs the ſtatutes were worded by themſelves, and had paſſed their houſe in the form of a bill [h].

But as the ſame cauſes which had produced a partition of property continued ſtill to operate, the number of knights and leſſer barons, or what the Engliſh call the gentry, perpetually increaſed, and they ſunk into a rank ſtill more inferior to the great nobility. The equality of tenure was loſt in the great inferiority of power and property; and the houſe of repreſentatives from the counties was gradually ſeparated from that of the peers, and formed a diſtinct order in the ſtate [i]. The growth of commerce meanwhile augmented the private wealth and conſideration of the burgeſſes; the frequent demands of the crown increaſed their public importance; and as they reſembled the knights of ſhires in one material circumſtance, that of repreſenting particular bodies of men; it no longer appeared unſuitable to unite them together in the ſame houſe, and to confound their rights and privileges [k]. Thus the third eſtate, that of the commons, reached at laſt its preſent form; and as the country gentlemen made thenceforwards no ſcruple of appearing as deputies from the boroughs, the diſtinction between the members was entirely loſt, and the lower houſe acquired thence a great acceſſion of weight and importance in the kingdom. Still, however, the office of

g In thoſe inſtances found in Cotton's Abridgment, where the king appears to anſwer of himſelf the petitions of the commons, he probably exerted no more than that power which was long inherent in the crown, of regulating matters by royal edicts or proclamations. But no durable or general ſtatute ſeems ever to have been made by the king from the petition of the commons alone, without the aſſent of the peers. It is more likely that the peers alone, without the commons, would enact ſtatutes.

h Brady's Anſwer to Petyt, p. 85. from the records. i Cotton's Abridgment, p. 13. k See note [F] at the end of the volume.

CHAP. XIII. 1295. of this estate was very different from that which it has since exercised with so much advantage to the public. Instead of checking and controlling the authority of the king, they were naturally induced to adhere to him as the great fountain of law and justice, and to support him against the power of the aristocracy, which at once was the source of oppression to themselves, and disturbed him in the execution of the laws. The king in his turn gave countenance to an order of men, so useful and so little dangerous: The peers also were obliged to pay them some consideration: And by this means the third estate, formerly so abject in England, as well as in all other European nations, rose by slow degrees to their present importance; and in their progress made arts and commerce, the necessary attendants of liberty and equality, flourish in the kingdom [l].

What sufficiently proves that the commencement of the house of burgesses, who are the true commons, was not an affair of chance, but arose from the necessities of the present situation, is, that Edward at the very same time summoned deputies from the inferior clergy, the first that ever met in England [m], and he required them to impose taxes on their constituents for the public service. Formerly the ecclesiastical benefices bore no part of the burthens of the state: The pope indeed of late had often levied impositions upon them: He had sometimes granted this power to the sovereign [n]: The king himself had in the preceding year exacted, by menaces and violence, a very grievous tax of half the revenues of the clergy: But as this precedent was dangerous, and could not easily be repeated in a government which required the consent of the subject to any extraordinary resolution, Edward found it more pru-

[l] See note [G] at the end of the volume. [m] Archbishop Wake's State of the Church of England, p. 235. Brady of Boroughs, p. 34. Gilbert's Hist. of the Exch. p. 46. [n] Ann. Waverl. p. 227, 228. T. Wykes, p. 99. 120.

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dent to assemble a lower house of convocation, to lay before them his necessities, and to ask some supply. But on this occasion he met with difficulties. Whether that the clergy thought themselves the most independent body in the kingdom, or were disgusted by the former exorbitant impositions, they absolutely refused their assent to the king's demand of a fifth of their moveables; and it was not till a second meeting that, on their persisting in this refusal, he was willing to accept of a tenth. The barons and knights granted him, without hesitation, an eleventh; the burgesses a seventh. But the clergy still scrupled to meet on the king's writ, lest by such an instance of obedience they should seem to acknowledge the authority of the temporal power: And this compromise was at last fallen upon, that the king should issue his writ to the archbishop; and that the archbishop should, in consequence of it, summon the clergy, who, as they then appeared to obey their spiritual superior, no longer hesitated to meet in convocation. This expedient, however, was the cause why the ecclesiastics were separated into two houses of convocation under their several archbishops, and formed not one estate, as in other countries of Europe; which was at first the king's intention [o]. We now return to the course of our narration.

EDWARD, conscious of the reasons of disgust which he had given to the king of Scots, informed of the dispositions of that people, and expecting the most violent effects of their resentment, which he knew he had so well merited; employed the supplies granted him by his people, in making preparations against the hostilities of his northern neighbour. When in this situation, he received intelligence of the treaty secretly concluded between John and Philip; and though uneasy at this concurrence of a French and Scottish war, he resolved not to encou-

[o] Gilbert's Hist. of Exch. p. 51. 54.

CHAP. XIII. 1296. rage his enemies by a pusillanimous behaviour, or by yielding to their united efforts. He summoned John to perform the duty of a vassal, and to send him a supply of forces against an invasion from France, with which he was then threatened: He next required that the fortresses of Berwic, Jedborough, and Roxborough should be put into his hands as a security during the war [p]: He cited John to appear in an English parliament to be held at Newcastle: And when none of these successive demands were complied with, he marched northward with numerous forces, 30,000 foot and 4000 horse, to chastise his rebellious vassal. The Scottish nation, who had little reliance on the vigour and abilities of their prince, assigned him a council of twelve noblemen, in whose hands the sovereignty was really lodged [q], and who put the country in the best posture of which the present distractions would admit. A great army, composed of 40,000 infantry, though supported only by 500 cavalry, advanced to the frontiers; and after a fruitless attempt upon Carlisle, marched eastwards to defend those provinces which Edward was preparing to attack. But some of the most considerable of the Scottish nobles, Robert Bruce the father and son, the earls of March and Angus, prognosticating the ruin of their country, from the concurrence of intestine divisions and a foreign invasion, endeavoured here to ingratiate themselves with Edward, by an early submission; and the king, encouraged by this favourable incident, led his army into the enemies country, and crossed the Tweed without opposition at 28th Nov. Coldstream. He then received a message from John, by which that prince, having now procured for himself and his nation pope Celestine's dispensation from former oaths, renounced the homage

[p] Rymer, vol. ii. p. 692. Walsing. p. 64. Heming. vol. i. p. 84. Trivet, p. 286. [q] Heming. vol. i. p. 75.

which

which had been done to England, and ſet Edward at defiance [r]. This bravado was but ill ſupported by the military operations of the Scots. Berwic was already taken by aſſault: Sir William Douglas, the governor, was made priſoner: Above 7000 of the garriſon were put to the ſword: And Edward, elated by this great advantage, diſpatched earl Warrenne with 12,000 men, to lay ſiege to Dunbar, which was defended by the flower of the Scottiſh nobility. CHAP. XIII. 1296.

THE Scots, ſenſible of the importance of this place, which, if taken, laid their whole country open to the enemy, advanced with their main army, under the command of the earls of Buchan, Lenox, and Marre, in order to relieve it. Warrenne, not diſmayed at the great ſuperiority of their number, marched out to give them battle. He attacked them with great vigour; and as undiſciplined troops, when numerous, are but the more expoſed to a panic upon any alarm, he ſoon threw them into confuſion, and chaſed them off the field with great ſlaughter. The loſs of the Scots is ſaid to have amounted to 20,000 men: The caſtle of Dunbar, with all its garriſon, ſurrendered next day to Edward, who, after the battle, had brought up the main body of the Engliſh, and who now proceeded with an aſſured confidence of ſucceſs. The caſtle of Roxborough was yielded by James, ſteward of Scotland; and that nobleman, from whom is deſcended the royal family of Stuart, was again obliged to ſwear fealty to Edward. After a feeble reſiſtance, the caſtles of Edinburgh and Stirling opened their gates to the enemy. All the ſouthern parts were inſtantly ſubdued by the Engliſh; and, to enable them the better to reduce the northern, whoſe inacceſſible ſituation ſeemed to give them ſome more ſecurity, Edward ſent for a ſtrong reinforcement of Welſh and Iriſh, 27th Apr.

[r] Rymer, vol. ii. p. 607. Walſing. p. 66. Heming. vol. i. p. 92.

who,

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1296. Scotland subdued.

who, being accustomed to a desultory kind of war, were the best fitted to pursue the fugitive Scots into the recesses of their lakes and mountains. But the spirit of the nation was already broken by their misfortunes; and the feeble and timid Baliol, discontented with his own subjects, and overawed by the English, abandoned all those resources which his people might yet have possessed in this extremity. He hastened to make his submissions to Edward; he expressed the deepest penitence for his disloyalty to his liege lord; and he made a solemn and irrevocable resignation of his crown into the hands of that monarch [s]. Edward marched northwards to Aberdeen and Elgin, without meeting an enemy: No Scotchman approached him but to pay him submission and do him homage: Even the turbulent Highlanders, ever refractory to their own princes, and averse to the restraint of laws, endeavoured to prevent the devastation of their country, by giving him early proofs of obedience: And Edward, having brought the whole kingdom to a seeming state of tranquillity, returned to the south with his army. There was a stone, to which the popular superstition of the Scots paid the highest veneration: All their kings were seated on it, when they received the rite of inauguration: An ancient tradition assured them, that, wherever this stone was placed, their nation should always govern: And it was carefully preserved at Scone, as the true palladium of their monarchy, and their ultimate resource amidst all their misfortunes. Edward got possession of it; and carried it with him to England [t]. He gave orders to destroy the records, and all those monuments of antiquity, which might preserve the memory of the independence of the kingdom, and refute the English claims of superiority. The Scots pretend, that he also destroyed all the annals preserved in their

[s] Rymer, vol. ii. p. 718. Walsing. p. 67. Heming. vol. i. p. 99. Trivet, p. 292. [t] Walsing. p. 68. Trivet, p. 299.

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convents: But it is not probable, that a nation, so rude and unpolished, should be possessed of any history which deserves much to be regretted. The great seal of Baliol was broken; and that prince himself was carried prisoner to London, and committed to custody in the Tower. Two years after, he was restored to liberty, and submitted to a voluntary banishment in France; where, without making any farther attempts for the recovery of his royalty, he died in a private station. Earl Warrenne was left governor of Scotland [u]: Englishmen were entrusted with the chief offices: And Edward, flattering himself that he had attained the end of all his wishes, and that the numerous acts of fraud and violence, which he had practised against Scotland, had terminated in the final reduction of that kingdom, returned with his victorious army into England.

War with France.

An attempt, which he made about the same time, for the recovery of Guienne, was not equally successful. He sent thither an army of 7000 men, under the command of his brother the Earl of Lancaster. That prince gained at first some advantages over the French at Bourdeaux; but he was soon after seized with a distemper, of which he died at Bayonne. The command devolved on the earl of Lincoln, who was not able to perform any thing considerable during the rest of the campaign [w].

But the active and ambitious spirit of Edward, while his conquests brought such considerable accessions to the English monarchy, could not be satisfied, so long as Guienne, the ancient patrimony of his family, was wrested from him by the dishonest artifices of the French monarch. Finding that the distance of that province rendered all his efforts against it feeble and uncertain, he purposed to at-

[u] Rymer, vol. ii. p. 726. Trivet, p. 295.
[w] Heming. vol. i. p. 72, 73, 74.

tack

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tack France in a quarter where ſhe appeared more vulnerable; and with this view he married his daughter Elizabeth to John earl of Holland, and at the ſame time contracted an alliance with Guy earl of Flanders, ſtipulated to pay him the ſum of 75,000 pounds, and projected an invaſion, with their united forces, upon Philip, their common enemy [x]. He hoped that, when he himſelf, at the head of the Engliſh, Flemiſh, and Dutch armies, reinforced by his German allies, to whom he had promiſed or remitted conſiderable ſums, ſhould enter the frontiers of France, and threaten the capital itſelf, Philip would at laſt be obliged to relinquiſh his acquiſitions, and purchaſe peace by the reſtitution of Guienne. But, in order to ſet this great machine in movement, conſiderable ſupplies were requiſite from the parliament; and Edward, without much difficulty, obtained from the barons and knights a new grant of a twelfth of all their moveables, and from the boroughs, that of an eighth. The great and almoſt unlimited power of the king over the latter, enabled him to throw the heavier part of the burthen on them; and the prejudices which he ſeems always to have entertained againſt the church, on account of the former zeal of the clergy for the Mountfort faction, made him reſolve to load them with ſtill more conſiderable impoſitions, and he required of them a fifth of their moveables. But he here met with an oppoſition, which for ſome time diſconcerted all his meaſures, and engaged him in enterpriſes that were ſomewhat dangerous to *him*; and would have proved fatal to any of his predeceſſors.

Diſſenſions with the clergy.

BONIFACE VIII. who had ſucceeded Celeſtine in the papal throne, was a man of the moſt lofty and enterpriſing ſpirit; and, though not endowed with that ſeverity of manners which commonly accom-

[x] Rymer, vol. ii. p. 761. Walſing. p. 68.

panies

panies ambition in men of his order, he was determined to carry the authority of the tiara, and his dominion over the temporal power, to as great a height as it had ever attained in any former period. 1296. Sensible that his immediate predecessors, by oppressing the church in every province of Christendom, had extremely alienated the affections of the clergy, and had afforded the civil magistrate a pretence for laying like impositions on ecclesiastical revenues, he attempted to resume the former station of the sovereign pontiff, and to establish himself as the common protector of the spiritual order against all invaders. For this purpose, he issued very early in his pontificate a general bull, prohibiting all princes from levying, without his consent, any taxes upon the clergy, and all clergymen from submitting to such impositions; and he threatened both of them with the penalties of excommunication in case of disobedience[y]. This important edict is said to have been procured by the solicitation of Robert de Winchelsey, archbishop of Canterbury, who intended to employ it as a rampart against the violent extortions which the church had felt from Edward, and the still greater, which that prince's multiplied necessities gave them reason to apprehend. When a demand, therefore, was made on the clergy of a fifth of their moveables, a tax which was probably much more grievous than a fifth of their revenue, as their lands were mostly stocked with their cattle, and cultivated by their villains; the clergy took shelter under the bull of pope Boniface, and pleaded conscience in refusing compliance[z]. The king came not immediately to extremities on this repulse; but, after locking up all their granaries and barns, and prohibiting all rent to be paid them, he appointed a new synod, to confer with him upon his demand. The primate, not dismayed by these

[y] Rymer, vol. ii. p. 706. Heming. vol. i. p. 104. [z] Heming. vol. i. p. 107. Trivet, p. 296. Chron. Dunst. vol. ii. p. 652.

CHAP. XIII. 1296. proofs of Edward's resolution, here plainly told him, that the clergy owed obedience to two sovereigns, their spiritual and their temporal; but their duty bound them to a much stricter attachment to the former than to the latter: They could not comply with his commands (for such, in some measure, the requests of the crown were then deemed), in contradiction to the express prohibition of the sovereign pontiff[a].

1297. The clergy had seen, in many instances, that Edward paid little regard to those numerous privileges, on which they set so high a value. He had formerly seized, in an arbitrary manner, all the money and plate belonging to the churches and convents, and had applied them to the public service[b]; and they could not but expect more violent treatment on this sharp refusal, grounded on such dangerous principles. Instead of applying to the pope for a relaxation of his bull, he resolved immediately to employ the power in his hands; and he told the ecclesiastics, that, since they refused to support the civil government, they were unworthy to receive any benefit from it; and he would accordingly put them out of the protection of the laws. This vigorous measure was immediately carried into execution[c]. Orders were issued to the judges to receive no cause brought before them by the clergy; to hear and decide all causes in which they were defendants: To do every man justice against them; to do them justice against no body[d]. The ecclesiastics soon found themselves in the most miserable situation imaginable. They could not remain in their own houses or convents for want of subsistence: If they went abroad in quest of maintenance, they were dismounted, robbed of their horses and clothes, abused by every ruffian, and no redress could be

[a] Heming. vol. i. p. 107. [b] Walsing. p. 65. Heming. vol. i. p. 51. [c] Walsing. p. 69. Heming. vol. i. p. 107. [d] M. West. p. 429.

obtained

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obtained by them for the most violent injury. The primate himself was attacked on the highway, was stripped of his equipage and furniture, and was at last reduced to board himself, with a single servant, in the house of a country clergyman [f]. The king, meanwhile, remained an indifferent spectator of all these violences; and, without employing his officers in committing any immediate injury on the priests, which might have appeared invidious and oppressive, he took ample vengeance on them for their obstinate refusal of his demands. Though the archbishop issued a general sentence of excommunication against all who attacked the persons or property of ecclesiastics, it was not regarded: While Edward enjoyed the satisfaction of seeing the people become the voluntary instruments of his justice against them, and enure themselves to throw off that respect for the sacred order, by which they had so long been overawed and governed.

The spirits of the clergy were at last broken by this harsh treatment. Besides that the whole province of York, which lay nearest the danger that still hung over them from the Scots, voluntarily, from the first, voted a fifth of their moveables; the bishops of Salisbury, Ely, and some others, made a composition for the secular clergy within their dioceses; and they agreed not to pay the fifth, which would have been an act of disobedience to Boniface's bull, but to deposit a sum equivalent in some church appointed them; whence it was taken by the king's officers [g]. Many particular convents and clergymen made payment of a like sum, and received the king's protection [h]. Those who had not ready money, entered into recognizances for the payment. And there was scarcely found one ecclesiastic in the kingdom, who seemed willing to suffer, for the sake of religious privileges, this new species

f Heming. vol. i. p. 109. Chron. Dunst. p. 653.

g Heming. vol. i. p. 108, 109.

h Chron. Dunst. vol. ii. p. 654.

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of martyrdom, the most tedious and languishing of any, the most mortifying to spiritual pride, and not rewarded by that crown of glory, which the church holds up, with such ostentation, to her devoted adherents.

Arbitrary measures.

But as the money granted by parliament, though considerable, was not sufficient to supply the king's necessities, and that levied by compositions with the clergy came in slowly, Edward was obliged, for the obtaining of farther supply, to exert his arbitrary power, and to lay an oppressive hand on all orders of men in the kingdom. He limited the merchants in the quantity of wool allowed to be exported; and at the same time forced them to pay him a duty of forty shillings a sack, which was computed to be above the third of the value [i]. He seized all the rest of the wool, as well as all the leather of the kingdom, into his hands, and disposed of these commodities for his own benefit [k]: He required the sheriffs of each county to supply him with 2000 quarters of wheat, and as many of oats, which he permitted them to seize wherever they could find them: The cattle and other commodities necessary for supplying his army were laid hold of without the consent of the owners [l]: And though he promised to pay afterwards the equivalent of all these goods, men saw but little probability that a prince, who submitted so little to the limitations of law, could ever, amidst his multiplied necessities, be reduced to a strict observance of his engagements. He showed, at the same time, an equal disregard to the principles of the feudal law, by which all the lands of his kingdom were held: In order to increase his army, and enable him to support that great effort which he intended to make against France, he required the attendance of every proprietor of land possessed of twenty pounds a year, even

i Walsing. p. 69. Trivet, p. 296. k Heming. vol. i. p. 52. 110. l Heming. vol. i. p. 111.

though he held not of the crown, and was not obliged by his tenure to perform any ſuch ſervice [m]. CHAP. XIII. 1297.

These acts of violence and of arbitrary power, notwithſtanding the great perſonal regard generally borne to the king, bred murmurs in every order of men; and it was not long ere ſome of the great nobility, jealous of their own privileges as well as of national liberty, gave countenance and authority to theſe complaints. Edward aſſembled on the ſea-coaſt an army, which he purpoſed to ſend over to Gaſcony, while he himſelf ſhould in perſon make an impreſſion on the ſide of Flanders; and he intended to put theſe forces under the command of Humphrey Bohun earl of Hereford, the conſtable, and Roger Bigod earl of Norfolk, the mareſchal of England. But theſe two powerful earls refuſed to execute his commands, and affirmed, that they were only obliged by their office to attend his perſon in the wars. A violent altercation enſued; and the king, in the height of his paſſion, addreſſing himſelf to the conſtable, exclaimed, *Sir earl, by God, you ſhall either go or hang. By God, Sir king*, replied Hereford, *I will neither go nor hang* [n]. And he immediately departed, with the mareſchal, and above thirty other conſiderable barons.

Upon this oppoſition, the king laid aſide the project of an expedition againſt Guienne; and aſſembled the forces which he himſelf purpoſed to tranſport into Flanders. But the two earls, irritated in the conteſt and elated by impunity, pretending that none of their anceſtors had ever ſerved in that country, refuſed to perform the duty of their office in muſtering the army [o]. The king, now finding it adviſable to proceed with moderation, inſtead of attainting the earls, who poſſeſſed their dignities by hereditary right, appointed Thomas de Berkeley, and Geoffrey de Geyneville, to act, in that emer-

[m] Walſing. p. 69. [n] Heming. vol. i. p. 112.
[o] Rymer, vol. ii. p. 783. Walſing. p. 70.

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gence, as constable and mareschal [p]. He endeavoured to reconcile himself with the church; took the primate again into favour [q]; made him, in conjunction with Reginald de Grey, tutor to the prince, whom he intended to appoint guardian of the kingdom during his absence; and he even assembled a great number of the nobility in Westminster-hall, to whom he deigned to make an apology for his past conduct. He pleaded the urgent necessities of the crown; his extreme want of money; his engagements from honour as well as interest to support his foreign allies: And he promised, if ever he returned in safety, to redress all their grievances, to restore the execution of the laws, and to make all his subjects compensation for the losses which they had sustained. Meanwhile, he begged them to suspend their animosities; to judge of him by his future conduct, of which, he hoped, he should be more master; to remain faithful to his government, or, if he perished in the present war, to preserve their allegiance to his son and successor [r].

THERE were certainly, from the concurrence of discontents among the great, and grievances of the people, materials sufficient in any other period to have kindled a civil war in England: But the vigour and abilities of Edward kept every one in awe; and his dexterity, in stopping on the brink of danger, and retracting the measures to which he had been pushed by his violent temper and arbitrary principles, saved the nation from so great a calamity. The two great earls dared not to break out into open violence: They proceeded no farther than framing a remonstrance, which was delivered to the king at Winchelsea, when he was ready to embark for Flanders. They there complained of the violations of the Great Charter and that of forests; the violent seizures of corn, leather, cattle,

p M. West. p. 430. q Heming. vol. i. p. 113.
r Heming. vol. i. p. 114. M. West. p. 430.

and

and above all, of wool, a commodity which they affirmed to be equal in value to half the lands of the kingdom; the arbitrary imposition of forty shillings a sack on the small quantity of wool allowed to be exported by the merchants; and they claimed an immediate redress of all these grievances [s]. The king told them, that the greater parts of his council were now at a distance, and without their advice he could not deliberate on measures of so great importance [t]. CHAP. XIII. 1297.

Dissensions with the barons.

But the constable and mareschal, with the barons of their party, resolved to take advantage of Edward's absence, and to obtain an explicit assent to their demands. When summoned to attend the parliament at London, they came with a great body of cavalry and infantry; and before they would enter the city, required that the gates should be put into their custody [u]. The primate, who secretly favoured all their pretensions, advised the council to comply; and thus they became masters both of the young prince and of the resolutions of parliament. Their demands, however, were moderate; and such as sufficiently justify the purity of their intentions in all their past measures: They only required, that the two charters should receive a solemn confirmation; that a clause should be added to secure the nation for ever against all impositions and taxes without consent of parliament; and that they themselves and their adherents, who had refused to attend the king into Flanders, should be pardoned for the offence, and should be again received into favour [w]. The prince of Wales and his council assented to these terms; and the charters were sent over to the king in Flanders to be there confirmed byhim. Edward felt the utmost reluctance to this

[s] Walsing. p. 72. Heming. vol. i. p. 115. Trivet, p. 302.
[t] Walsing. p. 72. Heming. vol. i. p. 117. Trivet, p. 304.
[u] Heming. vol. i. p. 138. [w] Walsing. p. 73. Heming. vol. i. p. 138, 139, 140, 141. Trivet. p. 308.

 measure,

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measure, which, he apprehended, would for the future impose fetters on his conduct, and set limits to his lawless authority. On various pretences he delayed three days giving any answer to the deputies; and when the pernicious consequences of his refusal were represented to him, he was at last obliged, after many internal struggles, to affix his seal to the charters, as also to the clause that bereaved him of the power, which he had hitherto assumed of imposing arbitrary taxes upon the people[x].

That we may finish at once this interesting transaction concerning the settlement of the charters, we shall briefly mention the subsequent events which relate to it. The constable and mareschal, informed of the king's compliance, were satisfied; and not only ceased from disturbing the government, but assisted the regency with their power against the Scots, who had risen in arms, and had thrown off the yoke of England[y]. But being sensible, that the smallest pretence would suffice to make Edward retract these detested laws, which, though they had often received the sanction both of king and parliament, and had been acknowledged during three reigns, were never yet deemed to have sufficient validity; they insisted that he should again confirm them on his return to England, and should thereby renounce all plea which he might derive from his residing in a foreign country, when he formerly affixed his seal to them[z]. It appeared that they judged aright of Edward's character and intentions: He delayed his confirmation as long as possible; and when the fear of worse consequences obliged him again to comply, he expressly added a salvo for his royal dignity or prerogative, which in effect enervated the whole force of the charters[a]. The two earls and their adherents left the parlia-

[x] Walsing. p. 74. Heming. vol. i. p. 143. [y] Heming. vol. i. p. 143. [z] Ibid. p. 159. [a] Ibid. p. 167, 168.

ment

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ment in disgust; and the king was constrained, on a future occasion, to grant to the people, without any subterfuge, a pure and absolute confirmation of those laws [b], which were so much the object of their passionate affection. Even farther securities were then provided for the establishment of national privileges. Three knights were appointed to be chosen in each county, and were invested with the power of punishing, by fine and imprisonment, every transgression or violation of the charters [c]: A precaution, which, though it was soon disused, as encroaching too much on royal prerogative, proves the attachment which the English, in that age, bore to liberty, and their well-grounded jealousy of the arbitrary disposition of Edward.

The work, however, was not yet entirely finished and complete. In order to execute the lesser charter, it was requisite, by new perambulations, to set bounds to the royal forests, and to disafforest all land which former encroachments had comprehended within their limits. Edward discovered the same reluctance to comply with this equitable demand; and it was not till after many delays on his part, and many solicitations and requests, and even menaces of war and violence [d] on the part of the barons, that the perambulations were made, and exact boundaries fixed, by a jury in each county, to the extent of his forests [e]. Had not his ambitious and active temper raised him so many foreign enemies, and obliged him to have recourse so often to the assistance of his subjects, it is not likely that those concessions could ever have been extorted from him.

[b] Heming. vol. i. p. 168. [c] Ibid. p. 170.

[d] Walsing. p. 80. We are told by Tyrrel, vol. ii. p. 145. from the chronicle of St. Albans, that the barons, not content with the execution of the charter of forests, demanded of Edward as high terms as had been imposed on his father by the earl of Leicester: But no other historian mentions this particular.

[e] Heming. vol. i. p. 171. M. West. p. 431. 433.

BUT

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But while the people, after so many successful struggles, deemed themselves happy in the secure possession of their privileges, they were surprised in 1305 to find that Edward had secretly applied to Rome, and had procured from that mercenary court, an absolution from all the oaths and engagements, which he had so often reiterated, to observe both the charters. There are some historians[f] so credulous as to imagine, that this perilous step was taken by him for no other purpose than to acquire the merit of granting a new confirmation of the charters, as he did soon after; and a confirmation so much the more unquestionable, as it could never after be invalidated by his successors, on pretence of any force or violence which had been imposed upon him. But besides that this might have been done with a better grace, if he had never applied for any such absolution, the whole tenor of his conduct proves him to be little susceptible of such refinements in patriotism; and this very deed itself, in which he anew confirmed the charters, carries on the face of it a very opposite presumption. Though he ratified the charters in general, he still took advantage of the papal bull so far as to invalidate the late perambulations of the forests, which had been made with such care and attention, and to reserve to himself the power, in case of favourable incidents, to extend as much as formerly those arbitrary jurisdictions. If the power was not in fact made use of, we can only conclude that the favourable incidents did not offer.

Thus, after the contests of near a whole century, and these ever accompanied with violent jealousies, often with public convulsions, the Great Charter was finally established; and the English nation have the honour of extorting, by their perseverance, this concession from the ablest, the most warlike, and

[f] Brady, vol. ii. p. 84. Carte, vol. ii. p. 292.

the

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the moſt ambitious of all their princes[i]. It is computed, that above thirty confirmations of the charter were at different times required of ſeveral kings, and granted by them, in full parliament; a precaution which, while it diſcovers ſome ignorance of the true nature of law and government, proves a laudable jealouſy of national privileges in the people, and an extreme anxiety leſt contrary precedents ſhould ever be pleaded as an authority for infringing them. Accordingly we find, that, though arbitrary practices often prevailed, and were even able to eſtabliſh themſelves into ſettled cuſtoms, the validity of the Great Charter was never afterwards formally diſputed; and that grant was ſtill regarded as the baſis of Engliſh government, and the ſure rule by which the authority of every cuſtom was to be tried and canvaſſed. The juriſdiction of the Star-chamber, martial law, impriſonment by warrants from the privy-council, and other practices of a like nature, though eſtabliſhed for ſeveral centuries, were ſcarcely ever allowed by the Engliſh to be parts of their conſtitution: The affection of the nation for liberty ſtill prevailed over all precedent, and even all political reaſoning: The exerciſe of theſe powers, after being long the ſource of ſecret murmurs among the people, was, in fulneſs of time, ſolemnly aboliſhed as illegal, at leaſt as oppreſſive, by the whole legiſlative authority.

To return to the period from which this account of the charters has led us: Though the king's impatience to appear at the head of his armies in Flanders made him overlook all conſiderations,

[i] It muſt, however, be remarked, that the king never forgave the chief actors in this tranſaction; and he found means afterwards to oblige both the conſtable and mareſchal to reſign their offices into his hands. The former received a new grant of it: But the office of mareſchal was given to Thomas of Brotherton, the king's ſecond ſon.

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1298. Boniface was among the last of the sovereign pontiffs that exercised an authority over the temporal jurisdiction of princes; and these exorbitant pretensions, which he had been tempted to assume from the successful example of his predecessors, but of which the season was now past, involved him in so many calamities, and were attended with so unfortunate a catastrophe, that they have been secretly

[k] Heming. vol. i. p. 146.

aban-

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abandoned, though never openly relinquiſhed, by his ſucceſſors in the apoſtolic chair. Edward and Philip, equally jealous of papal claims, took care to inſert in their reference, that Boniface was made judge of the difference by their conſent, as a private perſon, not by any right of his pontificate; and the pope, without ſeeming to be offended at this mortifying clauſe, proceeded to give a ſentence between them, in which they both acquieſced [l]. He brought them to agree that their union ſhould be cemented by a double marriage; that of Edward himſelf, who was now a widower, with Margaret Philip's ſiſter, and that of the prince of Wales with Iſabella, daughter of that monarch [m]. Philip was likewiſe willing to reſtore Guienne to the Engliſh, which he had indeed no good pretence to detain; but he inſiſted that the Scots, and their king John Baliol, ſhould, as his allies, be comprehended in the treaty, and ſhould be reſtored to their liberty. The difference, after ſeveral diſputes, was compromiſed, by their making mutual ſacrifices to each other. Edward agreed to abandon his ally the earl of Flanders, on condition that Philip ſhould treat in like manner his ally the king of Scots. The proſpect of conquering theſe two countries, whoſe ſituation made them ſo commodious an acquiſition to the reſpective kingdoms, prevailed over all other conſiderations; and though they were both finally diſappointed in their hopes, their conduct was very reconcileable to the principles of an intereſted policy. This was the firſt ſpecimen which the Scots had of the French alliance, and which was exactly conformable to what a ſmaller power muſt always expect, when it blindly attaches itſelf to the will and fortunes of a greater. That unhappy people, now engaged in a brave though unequal conteſt for their liberties,

Peace with France.

[l] Rymer, vol. ii. p. 817. Heming. vol. i. p. 149. Trivet, p. 310.
[m] Rymer, vol. ii. p. 823.

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were totally abandoned by the ally in whom they reposed their final confidence, to the will of an imperious conqueror.

1298. Revolt of Scotland.

THOUGH England as well as other European countries was, in its ancient state, very ill qualified for making, and still worse for maintaining, conquests, Scotland was so much inferior in its internal force, and was so ill situated for receiving foreign succours, that it is no wonder Edward, an ambitious monarch, should have cast his eye on so tempting an acquisition, which brought both security and greatness to his native country. But the instruments whom he employed to maintain his dominion over the northern kingdom were not happily chosen; and acted not with the requisite prudence and moderation in reconciling the Scottish nation to a yoke which they bore with such extreme reluctance. Warrenne, retiring into England on account of his bad state of health, left the administration entirely in the hands of Ormesby, who was appointed justiciary of Scotland, and Cressingham, who bore the office of treasurer; and a small military force remained to secure the precarious authority of those ministers. The latter had no other object than the amassing of money by rapine and injustice: The former distinguished himself by the rigour and severity of his temper: And both of them treating the Scots as a conquered people, made them sensible too early of the grievous servitude into which he had fallen. As Edward required that all the proprietors of land should swear fealty to him, every one who refused or delayed giving this testimony of submission, was outlawed and imprisoned, and punished without mercy; and the bravest and most generous spirits of the nation were thus exasperated to the highest degree against the English government[n].

[n] Walsing. p. 70. Heming. vol. i. p. 118. Trivet, p. 299.

THERE

There was one William Wallace, of a ſmall fortune, but deſcended of an ancient family in the weſt of Scotland, whoſe courage prompted him to undertake, and enabled him finally to accompliſh, the deſperate attempt of delivering his native country from the dominion of foreigners. This man, whoſe valorous exploits are the object of juſt admiration, but have been much exaggerated by the traditions of his countrymen, had been provoked by the inſolence of an Engliſh officer to put him to death; and finding himſelf obnoxious on that account to the ſeverity of the adminiſtration, he fled into the woods, and offered himſelf as a leader to all thoſe whom their crimes, or bad fortune, or avowed hatred of the Engliſh, had reduced to a like neceſſity. He was endowed with gigantic force of body, with heroic courage of mind, with diſintereſted magnanimity, with incredible patience, and ability to bear hunger, fatigue, and all the ſeverities of the ſeaſons; and he ſoon acquired, among thoſe deſperate fugitives, that authority to which his virtues ſo juſtly entitled him. Beginning with ſmall attempts, in which he was always ſucceſsful, he gradually proceeded to more momentous enterpriſes; and he diſcovered equal caution in ſecuring his followers, and valour in annoying the enemy. By his knowledge of the country he was enabled, when purſued, to enſure a retreat among the moraſſes, or foreſts, or mountains; and again collecting his diſperſed aſſociates, he unexpectedly appeared in another quarter, and ſurpriſed, and routed, and put to the ſword the unwary Engliſh. Every day brought accounts of his great actions, which were received with no leſs favour by his countrymen than terror by the enemy: All thoſe who thirſted after military fame were deſirous to partake of his renown: His ſucceſsful valour ſeemed to vindicate the nation from the ignominy into which it had fallen, by its tame ſubmiſ-

ſion

CHAP. XIII. 1298. ſion to the Engliſh: And though no nobleman of note ventured as yet to join his party, he had gained a general confidence and attachment, which birth and fortune are not alone able to confer.

WALLACE having, by many fortunate enterpriſes, brought the valour of his followers to correſpond to his own, reſolved to ſtrike a deciſive blow againſt the Engliſh government; and he concerted the plan of attacking Ormeſby of Scone, and of taking vengeance on him for all the violence and tyranny of which he had been guilty. The juſticiary, appriſed of his intentions, fled haſtily into England: All the other officers of that nation imitated his example: Their terror added alacrity and courage to the Scots, who took themſelves to arms in every quarter: Many of the principal barons, and among the reſt ſir William Douglas[o], openly countenanced Wallace's party: Robert Bruce ſecretly favoured and promoted the ſame cauſe: And the Scots, ſhaking off their fetters, prepared themſelves to defend, by an united effort, that liberty which they had ſo unexpectedly recovered from the hands of their oppreſſors.

BUT Warrenne, collecting an army of 40,000 men in the north of England, determined to re-eſtabliſh his authority; and he endeavoured, by the celerity of his armament and of his march, to compenſate for his paſt negligence, which had enabled the Scots to throw off the Engliſh government. He ſuddenly entered Annandale, and came up with the enemy at Irvine, before their forces were fully collected, and before they had put themſelves in a poſture of defence. Many of the Scottiſh nobles, alarmed with their dangerous ſituation, here ſubmitted to the Engliſh, renewed their oaths of fealty, promiſed to deliver hoſtages for their good behaviour, and received a pardon for paſt offences[p]. Others who had not yet declared themſelves, ſuch as the ſteward of Scot-

[o] Walſing. p. 70. Heming. vol. i. p. 118. [p] Heming. vol. i. p. 121, 122.

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land and the earl of Lenox, joined, though with reluctance, the English army; and waited a favourable opportunity for embracing the cause of their distressed countrymen. But Wallace, whose authority over his retainers was more fully confirmed by the absence of the great nobles, persevered obstinately in his purpose; and finding himself unable to give battle to the enemy, he marched northwards, with an intention of prolonging the war, and of turning to his advantage the situation of that mountainous and barren country. When Warrenne advanced to Stirling, he found Wallace encamped at Cambuskenneth, on the opposite banks of the Forth; and being continually urged by the impatient Cressingham, who was actuated both by personal and national animosities against the Scots [q], he prepared to attack them in that position, which Wallace, no less prudent than courageous, had chosen for his army [r]. In spite of the remonstrances of sir Richard Lundy, a Scotchman of birth and family, who sincerely adhered to the English, he ordered his army to pass a bridge which lay over the Forth; but he was soon convinced, by fatal experience, of the error of his conduct. Wallace, allowing such numbers of the English to pass as he thought proper, attacked them before they were fully formed, put them to rout, pushed part of them into the river, destroyed the rest by the edge of the sword, and gained a complete victory over them [s]. Among the slain was Cressingham himself, whose memory was so extremely odious to the Scots, that they flayed his dead body, and made saddles and girths of his skin [t]. Warrenne, finding the remainder of his army much dismayed by this misfortune, was obliged again to evacuate the kingdom, and retire into England. The castles of Roxborough and

[q] Heming, vol. i. p. 127. [r] On the 11th of September 1297.
[s] Walsing. p. 73. Heming. vol. i. p. 127, 128, 129. Trivet, p. 307. [t] Heming. vol. i. p. 130.

Berwic,

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Berwic, ill fortified and feebly defended, fell soon after into the hands of the Scots.

Wallace, universally revered as the deliverer of his country, now received from the hands of his followers the dignity of regent or guardian under the captive Baliol; and finding that the disorders of war, as well as the unfavourable seasons, had produced a famine in Scotland, he urged his army to march into England, to subsist at the expence of the enemy, and to revenge all past injuries, by retaliating on that hostile nation. The Scots, who deemed every thing possible under such a leader, joyfully attended his call. Wallace, breaking into the northern counties during the winter season, laid every place waste with fire and sword; and after extending on all sides, without opposition, the fury of his ravages as far as the bishopric of Durham, he returned, loaded with spoils, and crowned with glory, into his own country [u]. The disorders which at that time prevailed in England, from the refractory behaviour of the constable and mareschal, made it impossible to collect an army sufficient to resist the enemy, and exposed the nation to this loss and dishonour.

But Edward, who received in Flanders intelligence of these events, and had already concluded a truce with France, now hastened over to England, in certain hopes, by his activity and valour, not only of wiping off this disgrace, but of recovering the important conquest of Scotland, which he always regarded as the chief glory and advantage of his reign. He appeased the murmurs of his people by concessions and promises: He restored to the citizens of London the election of their own magistrates, of which they had been bereaved in the latter part of his father's reign: He ordered strict inquiry to be made concerning the corn and other

[u] Heming. vol. i. p. 131, 132, 133.

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goods which had been violently ſeized before his departure, as if he intended to pay the value to the owners [w]: And making public profeſſions of confirming and obſerving the charters, he regained the confidence of the diſcontented nobles. Having, by all theſe popular arts, rendered himſelf entirely maſter of his people, he collected the whole military force of England, Wales, and Ireland, and marched with an army of near a hundred thouſand combatants to the northern frontiers.

NOTHING could have enabled the Scots to reſiſt but for one ſeaſon ſo mighty a power, except an entire union among themſelves; but as they were deprived of their king, whoſe perſonal qualities, even when he was preſent, appeared ſo contemptible, and had left among his ſubjects no principle of attachment to him or his family, factions, jealouſies, and animoſities unavoidably aroſe among the great, and diſtracted all their councils. The elevation of Wallace, though purchaſed by ſo great merit and ſuch eminent ſervices, was the object of envy to the nobility, who repined to ſee a private gentleman raiſed above them by his rank, and ſtill more by his glory and reputation. Wallace himſelf, ſenſible of their jealouſy, and dreading the ruin of his country from thoſe inteſtine diſcords, voluntarily reſigned his authority, and retained only the command over that body of his followers, who, being accuſtomed to victory under his ſtandard, refuſed to follow into the field any other leader. The chief power devolved on the ſteward of Scotland, and Cummin of Badenock; men of eminent birth, under whom the great chieftains were more willing to ſerve in defence of their country. The two Scottiſh commanders, collecting their ſeveral forces from every quarter, fixed their ſtation at Falkirk, and purpoſed there to abide the aſſault of the Engliſh. Wallace was at the head

[w] Rymer, vol. ii. p. 813.

CHAP. XIII. 1298. of a third body, which acted under his command. The Scottish army placed their pikemen along their front: Lined the intervals betwen the three bodies with archers: And dreading the great superiority of the English in cavalry, endeavoured to secure their front by pallisadoes, tied together by ropes [x]. In this disposition they expected the approach of the enemy.

22d July. Battle of Falkirk. THE king, when he arrived in sight of the Scots, was pleased with the prospect of being able, by one decisive stroke, to determine the fortune of the war; and dividing his army also into three bodies, he led them to the attack. The English archers, who began about this time to surpass those of other nations, first chased the Scottish bowmen off the field; then pouring in their arrows among the pikemen, who were cooped up within their entrenchments, threw them into disorder, and rendered the assault of the English pikemen and cavalry more easy and successful. The whole Scottish army was broken, and chased off the field with great slaughter; which the historians, attending more to the exaggerated relations of the populace than to the probability of things, make amount to fifty or sixty thousand men [y]. It is only certain that the Scots never suffered a greater loss in any action, nor one which seemed to threaten more inevitable ruin to their country.

IN this general rout of the army, Wallace's military skill and presence of mind enabled him to keep his troops entire; and retiring behind the Carron, he marched leisurely along the banks of that small river, which protected him from the enemy. Young Bruce, who had already given many proofs of his aspiring genius, but who served hitherto in the Eng-

[x] Walsing. p, 75. Heming. vol. i. 163.

[y] Walsing. p. 76. T. Wykes, p. 127. Heming. vol. i. p. 163, 164, 165. Trivet, p. 313, says only 20,000. M. West. p. 431, says 40,000.

lish

lish army, appeared on the opposite banks; and distinguishing the Scottish chief, as well by his majestic port, as by the intrepid activity of his behaviour, called out to him, and desired a short conference. He here represented to Wallace the fruitless and ruinous enterprise in which he was engaged; and endeavoured to bend his inflexible spirit to submission under superior power and superior fortune: He insisted on the unequal contest between a weak state, deprived of its head and agitated by intestine discord, and a mighty nation, conducted by the ablest and most martial monarch of the age, and possessed of every resource either for protracting the war, or for pushing it with vigour and activity: If the love of his country were his motive for perseverance, his obstinacy tended only to prolong her misery; if he carried his views to private grandeur and ambition, he might reflect that, even if Edward should withdraw his armies, it appeared from past experience, that so many haughty nobles, proud of the pre-eminence of their families, would never submit to personal merit, whose superiority they were less inclined to regard as an object of admiration, than as a reproach and injury to themselves. To these exhortations Wallace replied, that, if he had hitherto acted alone as the champion of his country, it was solely because no second or competitor, or what he rather wished, no leader had yet appeared to place himself in that honourable station: That the blame lay entirely on the nobility, and chiefly on Bruce himself, who, uniting personal merit to dignity of family, had deserted the post which both nature and fortune, by such powerful calls, invited him to assume: That the Scots, possessed of such a head, would, by their unanimity and concord, have surmounted the chief difficulty under which they now laboured, and might hope, notwithstanding their present losses,

 to

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to oppose successfully all the powers and abilities of Edward: That Heaven itself could not set a more glorious prize before the eyes either of virtue or ambition, than to join in one object, the acquisition of royalty with the defence of national independence: And that as the interests of his country, more than those of a brave man, could never be sincerely cultivated by a sacrifice of liberty, he himself was determined, as far as possible, to prolong not her misery but her freedom, and was desirous that his own life, as well as the existence of the nation, might terminate, when they could no otherwise be preserved than by receiving the chains of a haughty victor. The gallantry of these sentiments, though delivered by an armed enemy, struck the generous mind of Bruce: The flame was conveyed from the breast of one hero to that of another: He repented of his engagements with Edward; and opening his eyes to the honourable path pointed out to him by Wallace, secretly determined to seize the first opportunity of embracing the cause, however desperate, of his oppressed country[z].

1299. THE subjection of Scotland, notwithstanding this great victory of Edward, was not yet entirely completed. The English army, after reducing the southern provinces, was obliged to retire for want of provisions; and left the northern counties in the hands of the natives. The Scots, no less enraged at their present defeat, than elated by their past victories, still maintained the contest for liberty; but being fully sensible of the great inferiority of their force, they endeavoured, by applications to foreign courts, to procure to themselves some assistance. The supplications of the Scottish ministers were rejected by Philip; but were more successful

[z] This story is told by all the Scotch writers; though it must be owned that Trivet and Hemingford, authors of good credit, both agree that Bruce was not at that time in Edward's army.

with

with the court of Rome. Boniface, pleafed with an occafion of exerting his authority, wrote a letter to Edward, exhorting him to put a ftop to his oppreffions in Scotland, and difplaying all the proofs, fuch as they had probably been furnifhed him by the Scots themfelves, for the ancient independence of that kingdom [a]. Among other arguments, hinted at above, he mentioned the treaty conducted and finifhed by Edward himfelf, for the marriage of his fon with the heirefs of Scotland; a treaty which would have been abfurd, had he been fuperior lord of the kingdom, and had poffeffed, by the feudal law, the right of difpofing of his ward in marriage. He mentioned feveral other ftriking facts, which fell within the compafs of Edward's own knowledge; particularly, that Alexander, when he did homage to the king, openly and exprefsly declared in his prefence, that he fwore fealty not for his crown, but for the lands which he held in England: And the pope's letter might have paffed for a reafonable one, had he not fubjoined his own claim to be liege lord of Scotland; a claim which had not once been heard of, but which, with a fingular confidence, he afferted to be full, entire, and derived from the moft remote antiquity. The affirmative ftyle, which had been fo fuccefsful with him and his predeceffors in fpiritual contefts, was never before abufed after a more egregious manner in any civil controverfy.

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1300.

Scotland again fubdued.

THE reply, which Edward made to Boniface's letter, contains particulars no lefs fingular and remarkable [b]. He there proves the fuperiority of England by hiftorical facts, deduced from the period of Brutus, the Trojan, who, he faid, founded the Britifh monarchy in the age of Eli and Samuel: He fupports his pofition by all the events which paffed in the ifland before the arrival 1301.

[a] Rymer, vol. ii. p. 844. [b] Ibid. p. 863.

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1301. of the Romans: And after laying great ſtreſs on the extenſive dominions and heroic victories of king Arthur, he vouchſafes at laſt to deſcend to the time of Edward the elder, with which, in his ſpeech to the ſtates of Scotland, he had choſen to begin his claim of ſuperiority. He aſſerts it to be a fact, *notorious and confirmed by the records of antiquity*, that the Engliſh monarchs had often conferred the kingdom of Scotland on their own ſubjects; had dethroned theſe vaſſal kings when unfaithful to them; and had ſubſtituted others in their ſtead. He diſplays with great pomp the full and complete homage which William had done to Henry II., without mentioning the formal abolition of that *extorted* deed by king Richard, and the renunciation of all future claims of the ſame nature. Yet this paper he begins with a ſolemn appeal to the Almighty, the ſearcher of hearts, for his own firm perſuaſion of the juſtice of his claim; and no leſs than a hundred and four barons aſſembled in parliament at Lincoln, concur in maintaining before the pope, under their ſeals, the validity of theſe pretenſions [c]. At the ſame time, however, they take care to inform Boniface, that, though they had juſtified their cauſe before him, they did not acknowledge him for their judge: They had ſworn to maintain all its royal prerogatives, and would never permit the king himſelf, were he willing, to relinquiſh its independence.

1302. THAT neglect, almoſt total, of truth and juſtice, which ſovereign ſtates diſcover in their tranſactions with each other, is an evil univerſal and inveterate; is one great ſource of the miſery to which the human race is continually expoſed; and it may be doubted whether, in many inſtances, it be found in the end to contribute to the intereſts of thoſe

[c] Rymer, vol. ii. p. 873. Walſing. p. 85. Heming. vol. i. p. 186. Trivet, p. 330. M. Weſt. p. 443.

princes

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1302.

princes themſelves, who thus ſacrifice their integrity to their politics. As few monarchs have lain under ſtronger temptations to violate the principles of equity, than Edward in his tranſactions with Scotland, ſo never were they violated with leſs ſcruple and reſerve: Yet his advantages were hitherto precarious and uncertain; and the Scots, once rouſed to arms and enured to war, began to appear a formidable enemy, even to this military and ambitious monarch. They choſe John Cummin for their regent; and not content with maintaining their independence in the northern parts, they made incurſions into the ſouthern counties, which Edward imagined he had totally ſubdued. John de Segrave, whom he had left guardian of Scotland, led an army to oppoſe them; and lying at Roſlin, near Edinburgh, ſent out his forces in three diviſions, to provide themſelves with forage and ſubſiſtence from the neighbourhood. One party was ſuddenly attacked by the regent and ſir Simon Fraſer; and being unprepared, was immediately routed and purſued with great ſlaughter. The few that eſcaped, flying to the ſecond diviſion, gave warning of the approach of the enemy: The ſoldiers ran to their arms; and were immediately led on to take revenge for the death of their countrymen. The Scots, elated with the advantage already obtained, made a vigorous impreſſion upon them: The Engliſh, animated with a thirſt of vengeance, maintained a ſtout reſiſtance: The victory was long undecided between them; but at laſt declared itſelf entirely in favour of the former, who broke the Engliſh and chaſed them to the third diviſion, now advancing with a haſty march to ſupport their diſtreſſed companions. Many of the Scots had fallen in the two firſt actions; moſt of them were wounded; and all of them extremely fatigued by the long continuance of the combat: Yet

Scotland again revolts.

1303. 24th Feb.

CHAP. XIII. 1303.

Yet were they so transported with success and military rage, that, having suddenly recovered their order, and arming the followers of their camp with the spoils of the slaughtered enemy, they drove with fury upon the ranks of the dismayed English. The favourable moment decided the battle; which the Scots, had they met with a steady resistance, were not long able to maintain: The English were chased off the field: Three victories were thus gained in one day[d]: And the renown of these great exploits, seconded by the favourable dispositions of the people, soon made the regent master of all the fortresses in the south; and it became necessary for Edward to begin anew the conquest of the kingdom.

The king prepared himself for this enterprise with his usual vigour and abilities. He assembled both a great fleet and a great army; and entering the frontiers of Scotland, appeared with a force which the enemy could not think of resisting in the open field: The English navy, which sailed along the coast, secured the army from any danger of famine: Edward's vigilance preserved it from surprises: And by this prudent disposition they marched victorious from one extremity of the kingdom to the other, ravaging the open country, reducing all the castles[e], and receiving the submissions of all the nobility, even those of Cummin the regent. The most obstinate resistance was made by the castle of Brechin, defended by sir Thomas Maule; and the place opened not its gates, till the death of the governor by discouraging the garrison obliged them to submit to the fate which had over-

Is again subdued.

whelmed the rest of the kingdom. Wallace, though he attended the English army in their march, found but few opportunities of signalizing that

[d] Heming. vol. i. p. 197. [e] Ibid. p. 205.

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valour which had formerly made him ſo terrible to his enemies.

1304.

EDWARD having completed his conqueſt, which employed him during the ſpace of near two years, now undertook the more difficult work of ſettling the country, of eſtabliſhing a new form of government, and of making his acquiſition durable to the crown of England. He ſeems to have carried matters to extremity againſt the natives: He abrogated all the Scottiſh laws and cuſtoms [f]: He endeavoured to ſubſtitute the Engliſh in their place: He entirely raſed or deſtroyed all the monuments of antiquity: Such records or hiſtories as had eſcaped his former ſearch were now burnt or diſperſed: And he haſtened, by too precipitate ſteps, to aboliſh entirely the Scottiſh name, and to ſink it finally in the Engliſh.

1305.

EDWARD, however, ſtill deemed his favourite conqueſt expoſed to ſome danger, ſo long as Wallace was alive; and being prompted both by revenge and policy, he employed every art to diſcover his retreat, and become maſter of his perſon. At laſt, that hardy warrior, who was determined, amidſt the univerſal ſlavery of his countrymen, ſtill to maintain his independency, was betrayed into Edward's hands by ſir John Monteith, his friend, whom he had made acquainted with the place of his concealment. The king, whoſe natural bravery and magnanimity ſhould have induced him to reſpect like qualities in an enemy, enraged at ſome acts of violence committed by Wallace during the fury of war, reſolved to overawe the Scots by an example of ſeverity: He ordered Wallace to be carried in chains to London; to be tried as a rebel and traitor, though he had never made ſubmiſſions, or ſworn fealty to England, and to be executed on Tower-hill. This was the unworthy

23d Aug.

[f] Ryley, p. 506.

fate

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fate of a hero, who, through a courſe of many years, had, with ſignal conduct, intrepidity, and perſeverance, defended, againſt a public and oppreſſive enemy, the liberties of his native country.

But the barbarous policy of Edward failed of the purpoſe to which it was directed. The Scots, already diſguſted at the great innovations introduced by the ſword of a conqueror into their laws and government, were farther enraged at the injuſtice and cruelty exerciſed upon Wallace; and all the envy which, during his life-time, had attended that gallant chief, being now buried in his grave, he was univerſally regarded as the champion of Scotland, and the patron of her expiring independency. The people, inflamed with reſentment, were every where diſpoſed to riſe againſt the Engliſh government; and it was not long ere a new and more fortunate leader preſented himſelf, who conducted them to liberty, to victory, and to vengeance.

1306. Robert Bruce.

Robert Bruce, grandſon of that Robert who had been one of the competitors for the crown, had ſucceeded by his grandfather's and father's death, to all their rights; and the demiſe of John Baliol, together with the captivity of Edward, eldeſt ſon of that prince, ſeemed to open a full career to the genius and ambition of this young nobleman. He ſaw that the Scots, when the title to their crown had expired in the males of their ancient royal family, had been divided into parties nearly equal between the houſes of Bruce and Baliol; and that every incident, which had ſince happened, had tended to wean them from any attachment to the latter. The ſlender capacity of John had proved unable to defend them againſt their enemies: He had meanly reſigned his crown into the hands of the conqueror: He had, before his deliverance from captivity, reiterated that reſignation in a manner ſeemingly voluntary; and had in that deed thrown out many reflexions extremely

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tremely dishonourable to his ancient subjects, whom he publicly called traitors, ruffians, and rebels, and with whom he declared he was determined to maintain no farther correspondence[h]: He had, during the time of his exile, adhered strictly to that resolution; and his son, being a prisoner, seemed ill qualified to revive the rights, now fully abandoned, of his family. Bruce therefore hoped that the Scots, so long exposed from the want of a leader to the oppressions of their enemies, would unanimously fly to his standard, and would seat him on the vacant throne, to which he brought such plausible pretensions. His aspiring spirit, inflamed by the fervour of youth, and buoyed up by his natural courage, saw the glory alone of the enterprise, or regarded the prodigious difficulties which attended it, as the source only of farther glory. The miseries and oppressions which he had beheld his countrymen suffer in their unequal contest; the repeated defeats and misfortunes which they had undergone; proved to him so many incentives to bring them relief, and conduct them to vengeance against the haughty victor. The circumstances which attended Bruce's first declaration are variously related; but we shall rather follow the account given by the Scottish historians; not that their authority is in general anywise comparable to that of the English, but because they may be supposed sometimes better informed concerning facts which so nearly interested their own nation.

Bruce, who had long harboured in his breast the design of freeing his enslaved country, ventured at last to open his mind to John Cummin, a powerful nobleman, with whom he lived in strict intimacy. He found his friend, as he imagined, fully possessed with the same sentiments; and he

[h] Brady's Hist. vol. ii. App. Nº 27.

needed

CHAP. XIII. 1306. needed to employ no arts of persuasion, to make him embrace the resolution of throwing off, on the first favourable opportunity, the usurped dominion of the English. But on the departure of Bruce, who attended Edward to London, Cummin, who either had all along dissembled with him, or began to reflect more coolly in his absence on the desperate nature of his undertaking, resolved to atone for his crime in assenting to this rebellion, by the merit of revealing the secret to the king of England. Edward did not immediately commit Bruce to custody; because he intended at the same time to seize his three brothers, who resided in Scotland; and he contented himself with secretly setting spies upon him, and ordering all his motions to be strictly watched. A nobleman of Edward's court, Bruce's intimate friend, was apprized of his danger; but not daring, amidst so many jealous eyes, to hold any conversation with him, he fell on an expedient to give him warning, that it was full time he should make his escape. He sent him by his servant a pair of gilt spurs, and a purse of gold, which he pretended to have borrowed from him; and left it to the sagacity of his friend to discover the meaning of the present. Bruce immediately contrived the means of his escape; and as the ground was at that time covered with snow, he had the precaution, it is said, to order his horses to be shod with their shoes inverted, that he might deceive those who should track his path over the open fields or cross roads, through which he purposed to travel. He arrived in a few days at Dumfries in Annandale, the chief seat of his family interest; and he happily found a great number of the Scottish nobility there assembled, and among the rest, John Cummin, his former associate.

10th Feb. THE noblemen were astonished at the appearance of Bruce among them; and still more when he

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he discovered to them the object of his journey. He told them that he was come to live or die with them in defence of the liberties of his country, and hoped, with their assistance, to redeem the Scottish name from all the indignities which it had so long suffered from the tyranny of their imperious masters: That the sacrifice of the rights of his family was the first injury which had prepared the way for their ensuing slavery; and by resuming them, which was his firm purpose, he opened to them the joyful prospect of recovering from the fraudulent usurper their ancient and hereditary independence: That all past misfortunes had proceeded from their disunion; and they would soon appear no less formidable than of old to their enemies, if they now deigned to follow into the field their rightful prince, who knew no medium between death and victory: That their mountains, and their valour, which had, during so many ages, protected their liberty from all the efforts of the Roman empire, would still be sufficient, were they worthy of their generous ancestors, to defend them against the utmost violence of the English tyrant: That it was unbecoming men, born to the most ancient independence known in Europe, to submit to the will of any masters; but fatal to receive those who, being irritated by such persevering resistance, and inflamed with the highest animosity, would never deem themselves secure in their usurped dominion, but by exterminating all the ancient nobility, and even all the ancient inhabitants: And that, being reduced to this desperate extremity, it were better for them at once to perish, like brave men, with swords in their hands, than to dread long, and at last undergo the fate of the unfortunate Wallace, whose merits, in the brave and obstinate defence of his country, were finally rewarded by the hands of an English executioner.

The spirit with which this discourse was delivered, the bold sentiments which it conveyed, the

novelty

CHAP. XIII. 1306. novelty of Bruce's declaration, aſſiſted by the graces of his youth and manly deportment, made deep impreſſion on the minds of his audience, and rouſed all thoſe principles of indignation and revenge with which they had long been ſecretly actuated. The Scottiſh nobles declared their unanimous reſolution to uſe the utmoſt efforts in delivering their country from bondage, and to ſecond the courage of Bruce, in aſſerting his and their undoubted rights againſt their common oppreſſors. Cummin alone, who had ſecretly taken his meaſures with the king, oppoſed this general determination; and by repreſenting the great power of England, governed by a prince of ſuch uncommon vigour and abilities, he endeavoured to ſet before them the certain deſtruction which they muſt expect, if they again violated their oaths of feaity, and ſhook off their allegiance to the victorious Edward[i]. Bruce, already appriſed of his treachery, and foreſeeing the certain failure of all his own ſchemes of ambition and glory from the oppoſition of ſo potent a leader, took immediately his reſolution; and moved partly by reſentment, partly by policy, followed Cummin on the diſſolution of the aſſembly, attacked him in the cloyſters of the Grey Friars, through which he paſſed, and running him through the body, left him for dead. Sir Thomas Kirkpatric, one of Bruce's friends, aſking him ſoon after if the traitor was ſlain; *I believe ſo*, replied Bruce. *And is that a matter*, cried Kirkpatric, *to be left to conjecture? I will ſecure him.* Upon which he drew his dagger, ran to Cummin, and ſtabbed him to the heart. This deed of Bruce and his aſſociates, which contains circumſtances juſtly condemned by our preſent manners, was regarded in that age as an effort of manly vigour and juſt policy. The family of Kirkpatric took for the creſt of their arms, which they ſtill

[i] M. Weſt. p. 453.

wear,

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wear, a hand with a bloody dagger; and chose for their motto these words, *I will secure him*; the expression employed by their ancestor when he executed that violent action.

Third revolt of Scotland.

THE murder of Cummin affixed the seal to the conspiracy of the Scottish nobles: They had now no resource left but to shake off the yoke of England, or to perish in the attempt: The genius of the nation roused itself from its present dejection: And Bruce, flying to different quarters, excited his partisans to arms, attacked with success the dispersed bodies of the English, got possession of many of the castles, and having made his authority be acknowledged in most parts of the kingdom, was solemnly crowned and inaugurated in the abbey of Scone by the bishop of St. Andrews, who had zealously embraced his cause. The English were again chased out of the kingdom, except such as took shelter in the fortresses that still remained in their hands; and Edward found that the Scots, twice conquered in his reign, and often defeated, must yet be anew subdued. Not discouraged with these unexpected difficulties, he sent Aymer de Valence with a considerable force into Scotland, to check the progress of the malcontents; and that nobleman falling unexpectedly upon Bruce at Methven in Perthshire, threw his army into such disorder as ended in a total defeat[k]. Bruce fought with the most heroic courage, was thrice dismounted in the action, and as often recovered himself, but was at last obliged to yield to superior fortune, and take shelter, with a few followers, in the western isles. The earl of Athole, sir Simon Fraser, and sir Christopher Seton, who had been taken prisoners, were ordered by Edward to be executed as rebels and traitors[l]. Many other acts of rigour were exercised by him; 1307.

[k] Walsing. p. 91. Heming. vol. i. p. 222, 223. Trivet, p. 144.
[l] Heming. vol. i. p. 223. M. West. p. 456.

CHAP. XIII. 1307.

and that prince, vowing revenge againſt the whole Scottiſh nation, whom he deemed incorrigible in their averſion to his government, aſſembled a great army, and was preparing to enter the frontiers, ſecure of ſucceſs, and determined to make the defenceleſs Scots the victims of his ſeverity; when he unexpectedly ſickened and died near Carliſle; enjoining with his laſt breath his ſon and ſucceſſor to proſecute the enterpriſe, and never to deſiſt till he had finally ſubdued the kingdom of Scotland. He expired in the ſixty-ninth year of his age, and the thirty-fifth of his reign, hated by his neighbours, but extremely reſpected and revered by his own ſubjects.

7th July, Death

and character of the king.

THE enterpriſes finiſhed by this prince, and the projects which he formed, and brought near to a concluſion, were more prudent, more regularly conducted, and more advantageous to the ſolid intereſts of his kingdom, than thoſe which were undertaken in any reign, either of his anceſtors or his ſucceſſors. He reſtored authority to the government, diſordered by the weakneſs of his father; he maintained the laws againſt all the efforts of his turbulent barons; he fully annexed to his crown the principality of Wales; he took many wiſe and vigorous meaſures for reducing Scotland to a like condition; and though the equity of this latter enterpriſe may reaſonably be queſtioned, the circumſtances of the two kingdoms promiſed ſuch certain ſucceſs, and the advantage was ſo viſible of uniting the whole iſland under one head, that thoſe who give great indulgence to reaſons of ſtate in the meaſures of princes, will not be apt to regard this part of his conduct with much ſeverity. But Edward, however exceptionable his character may appear on the head of juſtice, is the model of a politic and warlike king: He poſſeſſed induſtry, penetration, courage, vigilance, and enterpriſe: He was frugal in all his expences that were not neceſſary; he knew how

1307.

how to open the public treaſures on a proper occaſion; he puniſhed criminals with ſeverity; he was gracious and affable to his ſervants and courtiers; and being of a majeſtic figure, expert in all military exerciſes, and in the main well-proportioned in his limbs, notwithſtanding the great length and the ſmallneſs of his legs, he was as well qualified to captivate the populace by his exterior appearance, as to gain the approbation of men of ſenſe by his more ſolid virtues.

Miſcellaneous tranſactions of this reign.

BUT the chief advantage which the people of England reaped, and ſtill continue to reap, from the reign of this great prince, was the correction, extenſion, amendment, and eſtabliſhment of the laws, which Edward maintained in great vigour, and left much improved to poſterity: For the acts of a wiſe legiſlator commonly remain, while the acquiſitions of a conqueror often periſh with him. This merit has juſtly gained to Edward the appellation of the Engliſh Juſtinian. Not only the numerous ſtatutes paſſed in his reign touch the chief points of juriſprudence, and, according to ſir Edward Coke[m], truly deſerve the name of eſtabliſhments, becauſe they were more conſtant, ſtanding, and durable laws than any made ſince; but the regular order maintained in his adminiſtration gave an opportunity to the common law to refine itſelf, and brought the judges to a certainty in their determinations, and the lawyers to a preciſion in their pleadings. Sir Matthew Hale has remarked the ſudden improvement of Engliſh law during this reign; and ventures to aſſert, that till his own time it had never received any conſiderable increaſe[n]. Edward ſettled the juriſdiction of the ſeveral courts; firſt eſtabliſhed the office of juſtice of peace; abſtained from the practice too common be-

[m] Inſtitute, p. 156.
[n] Hiſtory of the Engliſh Law, p. 158, 163.

fore

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fore him, of interrupting juſtice by mandates from the privy-council[o]; repreſſed robberies and diſorders[p]; encouraged trade, by giving merchants an eaſy method of recovering their debts[q]; and in ſhort, introduced a new face of things by the vigour and wiſdom of his adminiſtration. As law began now to be well eſtabliſhed, the abuſe of that bleſſing began alſo to be remarked. Inſtead of their former aſſociations for robbery and violence, men entered into formal combinations to ſupport each other in law-ſuits; and it was found requiſite to check this iniquity by act of parliament[r].

THERE happened in this reign a conſiderable alteration in the execution of the laws: The king aboliſhed the office of chief juſticiary, which he thought poſſeſſed too much power, and was dangerous to the crown[s]: He completed the diviſion of the court of exchequer into four diſtinct courts, which managed each its ſeveral branch, without dependance on any one magiſtrate; and as the lawyers afterwards invented a method, by means of their fictions, of carrying buſineſs from one court to another, the ſeveral courts became rivals and checks to each other; a circumſtance which tended much to improve the practice of the law in England.

BUT though Edward appeared thus, throughout his whole reign, a friend to law and juſtice, it cannot be ſaid that he was an enemy to arbitrary power; and in a government more regular and

[o] Articuli ſuper Cart. cap. 6. Edward enacted a law to this purpoſe; but it is doubtful whether he ever obſerved it. We are ſure that ſcarcely any of his ſucceſſors did. The multitude of theſe letters of protection were the ground of a complaint by the commons in 3 Edward II. See Ryley, p. 525. This practice is declared illegal by the ſtatute of Northampton, paſſed in the ſecond of Edward III. but it ſtill continued, like many other abuſes. There are inſtances of it ſo late as the reign of queen Elizabeth.

[p] Statute of Winton. [q] Statute of Acton Burnel.

[r] Statute of Conſpirators. [s] Spelman Gloſſ. in verbo *Juſticiarius*. Gilbert's Hiſt. of the Exchequer, p. 8.

legal than was that of England in his age, ſuch practices as thoſe which may be remarked in his adminiſtration, would have given ſufficient ground of complaint, and ſometimes were, even in his age, the object of general diſpleaſure. The violent plunder and baniſhment of the Jews; the putting of the whole clergy at once, and by an arbitrary edict, out of the protection of the law; the ſeizing of all the wool and leather of the kingdom; the heightening of the impoſitions on the former valuable commodity; the new and illegal commiſſion of Trailbaſton; the taking of all the money and plate of monaſteries and churches, even before he had any quarrel with the clergy; the ſubjecting of every man poſſeſſed of twenty pounds a year to military ſervice, though not bound to it by his tenure; his viſible reluctance to confirm the Great Charter, as if that conceſſion had no validity from the deeds of his predeceſſors; the captious clauſe which he at laſt annexed to his confirmation; his procuring of the pope's diſpenſation from the oaths which he had taken to obſerve the charter; and his levying of talliages at diſcretion even after the ſtatute, or rather charter by which he had renounced that prerogative; theſe are ſo many demonſtrations of his arbitrary diſpoſition, and prove with what exception and reſerve we ought to celebrate his love of juſtice. He took care that his ſubjects ſhould do juſtice to each other; but he deſired always to have his own hands free in all his tranſactions, both with them and with his neighbours.

The chief obſtacle to the execution of juſtice in thoſe times was the power of the great barons; and Edward was perfectly qualified, by his character and abilities, for keeping theſe tyrants in awe, and reſtraining their illegal practices. This ſalutary purpoſe was accordingly the great object of his attention; yet was he imprudently led into a meaſure which tended to increaſe and confirm their danger-

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ous authority. He passed a statute which, by allowing them to entail their estates, made it impracticable to diminish the property of the great families, and left them every means of increase and acquisition [t].

EDWARD observed a contrary policy with regard to the church: He seems to have been the first Christian prince that passed a statute of mortmain; and prevented by law the clergy from making new acquisitions of lands, which by the ecclesiastical canons they were for ever prohibited from alienating. The opposition between his maxims with regard to the nobility and to the ecclesiastics, leads us to conjecture that it was only by chance he passed the beneficial statute of mortmain, and that his sole object was to maintain the number of knight's fees, and to prevent the superiors from being defrauded of the profits of wardship, marriage, livery, and other emoluments arising from the feudal tenures. This is indeed the reason assigned in the statute itself, and appears to have been his real object in enacting it. The author of the Annals of Waverly ascribes this act chiefly to the king's anxiety for maintaining the military force of the kingdom; but adds, that he was mistaken in his purpose; for that the Amalekites were overcome more by the prayers of Moses than by the sword of the Israelites [u]. The statute of mortmain was often evaded afterwards by the invention of *uses*.

EDWARD was active in restraining the usurpations of the church; and, excepting his ardour for crusades, which adhered to him during his whole life, seems in other respects to have been little infected with superstition, the vice chiefly of weak minds. But the passion for crusades was really in that age the passion for glory. As the pope now felt him-

t Brady of Boroughs, p. 25. from the Records.
u P. 234. See also M. West. p. 409.

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ſelf ſomewhat more reſtrained in his former practice of pillaging the ſeveral churches in Europe, by laying impoſitions upon them, he permitted the generals of particular orders, who reſided at Rome, to levy taxes on the convents ſubjected to their juriſdiction; and Edward was obliged to enact a law againſt this new abuſe. It was alſo become a practice of the court of Rome to provide ſucceſſors to benefices before they became vacant: Edward found it likewiſe neceſſary to prevent by law this ſpecies of injuſtice.

The tribute of 1000 marks a year, to which king John, in doing homage to the pope, had ſubjected the kingdom, had been pretty regularly paid ſince his time, though the vaſſalage was conſtantly denied, and, indeed, for fear of giving offence, had been but little inſiſted on. The payment was called by a new name of *cenſus*, not by that of tribute. King Edward ſeems to have always paid this money with great reluctance, and he ſuffered the arrears at one time to run on for ſix years [w], at another for eleven [x]: But as princes in that age ſtood continually in need of the pope's good offices, for diſpenſations of marriage and for other conceſſions, the court of Rome always found means, ſooner or later, to catch the money. The levying of firſt-fruits was alſo a new device begun in this reign, by which his holineſs thruſt his fingers very frequently into the purſes of the faithful; and the king ſeems to have unwarily given way to it.

In the former reign the taxes had been partly ſcutages, partly ſuch a proportional part of the moveables as was granted by parliament: In this ſcutages were entirely dropped; and the aſſeſſment on moveables was the chief method of taxation. Edward in his fourth year had a fifteenth granted him; in his fifth year a twelfth; in his eleventh

w Rymer, vol. ii. p. 77. 107. x Id. p. 862.

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year a thirtieth from the laity, a twentieth from the clergy; in his eighteenth year a fifteenth; in his twenty-ſecond year a tenth from the laity, a ſixth from London and other corporate towns, half of their benefices from the clergy; in his twenty-third year an eleventh from the barons and others, a tenth from the clergy, a ſeventh from the burgeſſes; in his twenty-fourth year twelfth from the barons an others, an eighth from the burgeſſes, from the clergy nothing, becauſe of the pope's inhibition; in his twenty-fifth year an eighth from the laity, a tenth from the clergy of Canterbury, a fifth from thoſe of York; in his twenty-ninth year a fifteenth from the laity, on account of his confirming the perambulations of the foreſts; the clergy granted nothing; in his thirty-third year, firſt a thirtieth from the barons and others, and a twentieth from the burgeſſes, then a fifteenth from all his ſubjects; in his thirty-fourth year a thirtieth from all his ſubjects for knighting his eldeſt ſon.

THESE taxes were moderate; but the king had alſo duties upon exportation and importation granted him from time to time: The heavieſt were commonly upon wool. Poundage, or a ſhilling a pound, was not regularly granted the kings for life till the reign of Henry V.

IN 1296 the famous mercantile ſociety, called the *Merchant Adventurers*, had its firſt origin: It was inſtituted for the improvement of the woollen manufacture, and the vending of the cloth abroad, particularly at Antwerp [y]. For the Engliſh at this time ſcarcely thought of any more diſtant commerce.

THIS king granted a charter or declaration of protection and privileges to foreign merchants, and alſo aſcertained the cuſtoms or duties which thoſe merchants were in return to pay on merchandiſe imported and exported. He promiſed them ſecu-

[y] Anderſon's Hiſtory of Commerce, vol. i. p. 137.

rity;

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rity; allowed them a jury on trials, consisting half of natives, half of foreigners; and appointed them a justiciary in London for their protection. But notwithstanding this seeming attention to foreign merchants, Edward did not free them from the cruel hardship of making one answerable for the debts, and even for the crimes, of another that came from the same country [z]. We read of such practices among the present barbarous nations. The king also imposed on them a duty of two shillings on each tun of wine imported, over and above the old duty; and forty pence on each sack of wool exported, besides half a mark the former duty [a].

In the year 1303 the Exchequer was robbed, and of no less a sum than 100,000 pounds, as is pretended [b]. The abbot and monks of Westminster were indicted for this robbery, but acquitted. It does not appear that the king ever discovered the criminals with certainty; though his indignation fell on the society of Lombard merchants, particularly the Frescobaldi, very opulent Florentines.

The pope having in 1307 collected much money in England, the king enjoined the nuncio not to export it in specie, but in bills of exchange [c]. A proof that commerce was but ill understood at that time.

Edward had by his first wife, Eleanor of Castile, four sons; but Edward, his heir and successor, was the only one that survived him. She also bore him eleven daughters, most of whom died in their infancy: Of the surviving, Joan was married first to the earl of Glocester, and after his death to Ralph de Monthermer: Margaret espoused John duke of Brabant: Elizabeth espoused first John earl of Holland, and afterwards the earl of Hereford: Mary

z Anderson's Hist. of Commerce, vol. i. p. 146. a Rymer, vol. iv. p. 361. It is the charter of Edw. I. which is there confirmed by Edw. III. b Rymer, vol. ii. p. 930. c Ibid. p. 1092.

was

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was a nun at Ambresbury. He had by his second wife Margaret of France, two sons and a daughter; Thomas created earl of Norfolk, and Mareschal of England; and Edmond, who was created earl of Kent by his brother when king. The princess died in her infancy.

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TANJORE MAHARAJA SERFOJI'S SARASWATI MAHAL.

CHAP. XIV.

EDWARD II.

Weakneſs of the king——His paſſion for favourites——Piers Gavaſton——Diſcontent of the barons——Murder of Gavaſton——War with Scotland——Battle of Bannockburn——Hugh le Deſpenſer——Civil commotions——Execution of the earl of Lancaſter——Conſpiracy againſt the king——Inſurrection——The king dethroned——Murdered——His character——Miſcellaneous tranſactions in this reign.

THE prepoſſeſſions entertained in favour of young Edward kept the Engliſh from being fully ſenſible of the extreme loſs which they had ſuſtained by the death of the great monarch who filled the throne; and all men haſtened with alacrity to take the oath of allegiance to his ſon and ſucceſſor. This prince was in the twenty-third year of his age, was of an agreeable figure, of a mild and gentle diſpoſition, and having never diſcovered a propenſity to any dangerous vice, it was natural to prognoſticate tranquillity and happineſs from his government. But the firſt act of his reign blaſted all theſe hopes, and ſhewed him to be totally unqualified for that perilous ſituation, in which every Engliſh monarch, during thoſe ages, had, from the unſtable form of the conſtitution, and the turbulent diſpoſitions of the people derived from it, the miſfortune to be placed. The indefatigable Robert Bruce, though his army had been diſperſed, and he himſelf had been obliged to take ſhelter in the weſtern

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Weakneſs of the king.

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western isles, remained not long unactive; but before the death of the late king, had sallied from his retreat, had again collected his followers, had appeared in the field, and had obtained by surprise an important advantage over Aymer de Valence, who commanded the English forces [d]. He was now become so considerable as to have afforded the king of England sufficient glory in subduing him, without incurring any danger of seeing all those mighty preparations made by his father fail in the enterprise. But Edward, instead of pursuing his advantages, marched but a little way into Scotland; and having an utter incapacity and equal aversion for all application or serious business, he immediately returned upon his footsteps, and disbanded his army. His grandees perceived from this conduct, that the authority of the crown, fallen into such feeble hands, was no longer to be dreaded, and that every insolence might be practised by them with impunity.

His passion for favourites. Piers Gavaston.

The next measure taken by Edward gave them an inclination to attack those prerogatives which no longer kept them in awe. There was one Piers Gavaston, son of a Gascon knight of some distinction, who had honourably served the late king, and who, in reward of his merits, had obtained an establishment for his son in the family of the prince of Wales. This young man soon insinuated himself into the affections of his master, by his agreeable behaviour, and by supplying him with all those innocent though frivolous amusements which suited his capacity and his inclinations. He was endowed with the utmost elegance of shape and person, was noted for a fine mien and easy carriage, distinguished himself in all warlike and genteel exercises, and was celebrated for those quick sallies of wit in which his countrymen usually excel. By all these accomplishments he gained so entire an ascendant over young

[d] Trivet, p. 346.

Edward,

Edward, whose heart was strongly disposed to friendship and confidence, that the late king, apprehensive of the consequences, had banished him the kingdom, and had, before he died, made his son promise never to recal him. But no sooner did he find himself master, as he vainly imagined, than he sent for Gavaston; and even before his arrival at court, endowed him with the whole earldom of Cornwal, which had escheated to the crown by the death of Edmond, son of Richard king of the Romans [e]. Not content with conferring on him those possessions, which had sufficed as an appanage for a prince of the blood, he daily loaded him with new honours and riches; married him to his own niece, sister of the earl of Glocester; and seemed to enjoy no pleasure in his royal dignity, but as it enabled him to exalt to the highest splendour this object of his fond affections.

Discontent of the barons.

THE haughty barons, offended at the superiority of a minion, whose birth, though reputable, they despised as much inferior to their own, concealed not their discontent; and soon found reasons to justify their animosity in the character and conduct of the man they hated. Instead of disarming envy by the moderation and modesty of his behaviour, Gavaston displayed his power and influence with the utmost ostentation; and deemed no circumstance of his good fortune so agreeable as its enabling him to eclipse and mortify all his rivals. He was vainglorious, profuse, rapacious; fond of exterior pomp and appearance, giddy with prosperity; and as he imagined that his fortune was now as strongly rooted in the kingdom, as his ascendant was uncontrolled over the weak monarch, he was negligent in engaging partisans, who might support his sudden and ill-established grandeur. At all tournaments he took delight in foiling the English nobility by his superior

[e] Rymer, vol. ii. p. 1. Heming. vol. i. p. 243. Walsing. p. 96.

address:

CHAP. XIV. 1307. address: In every conversation he made them the object of his wit and raillery: Every day his enemies multiplied upon him; and nought was wanting but a little time to cement their union, and render it fatal both to him and to his master[f].

It behoved the king to take a journey to France, both in order to do homage for the dutchy of Guienne, and to espouse the princess Isabella, to whom he had long been affianced, though unexpected accidents had hitherto retarded the completion of the marriage[g]. Edward left Gavaston guardian of the realm[h], with more ample powers than had usually been conferred[i]; and, on his return with his young queen, renewed all the proofs of that fond attachment to the favourite, of which every one so loudly complained. This princess was of an imperious and intriguing spirit; and finding that her husband's capacity required, as his temper inclined, him to be governed, she thought herself best intitled, on every account, to perform the office; and she contracted a mortal hatred against the person who had disappointed her in these expectations. She was well pleased, therefore, to see a combination of the nobility forming against Gavaston, who, sensible of her hatred, had wantonly provoked her by new insults and injuries.

1308. Thomas earl of Lancaster, cousin-german to the king, and first prince of the blood, was by far the most opulent and powerful subject in England, and possessed in his own right, and soon after in that of his wife, heiress of the family of Lincoln, no less than six earldoms, with a proportionable estate in land, attended with all the jurisdictions and power which commonly in that age were annexed to landed property. He was turbulent and factious in his disposition; mortally hated the favourite, whose influ-

[f] T. de la More, p. 593. Walsing. p. 97. [g] T. de la More, p. 593. Trivet, cont. p. 3. [h] Rymer, vol. iii. p. 47. Ypod. Neust. p. 499. [i] Brady's App. N° 49.

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ence over the king exceeded his own; and he soon became the head of that party among the barons, who desired the depression of this insolent stranger. The confederated nobles bound themselves by oath to expel Gavaston: Both sides began already to put themselves in a warlike posture: The licentiousness of the age broke out in robberies and other disorders, the usual prelude of civil war: And the royal authority, despised in the king's own hands, and hated in those of Gavaston, became insufficient for the execution of the laws, and the maintenance of peace in the kingdom. A parliament being summoned at Westminster, Lancaster and his party came thither with an armed retinue; and were there enabled to impose their own terms on the sovereign. They required the banishment of Gavaston, imposed an oath on him never to return, and engaged the bishops, who never failed to interpose in all civil concerns, to pronounce him excommunicated if he remained any longer in the kingdom [i]. Edward was obliged to submit [k]; but even in his compliance gave proofs of his fond attachment to his favourite. Instead of removing all umbrage by sending him to his own country, as was expected, he appointed him lord lieutenant of Ireland [l], attended him to Bristol on his journey thither, and before his departure conferred on him new lands and riches both in Gascony and England [m]. Gavaston, who did not want bravery, and possessed talents for war [n], acted during his government with vigour against some Irish rebels, whom he subdued.

Meanwhile the king, less shocked with the illegal violence which had been imposed upon him, than unhappy in the absence of his minion, employed every expedient to soften the opposition of the barons to his return; as if success in that point were

[i] Trivet, cont. p. 5. [k] Rymer, vol. iii. p. 80. [l] Ibid. p. 92. Murimuth, p. 39. [m] Rymer, vol. iii. p. 87. [n] Heming. vol. i. p. 248. T. de la More, p. 593.

the

CHAP. XIV. 1308. the chief object of his government. The high office of hereditary steward was conferred on Lancaster: His father-in-law, the earl of Lincoln, was bought off by other concessions: Earl Warrenne was also mollified by civilities, grants, or promises: The insolence of Gavaston being no longer before men's eyes, was left the object of general indignation: And Edward deeming matters sufficiently prepared for his purpose, applied to the court of Rome, and obtained for Gavaston a dispensation from that oath which the barons had compelled him to take, that he would for ever abjure the realm[o]. He went down to Chester to receive him on his first landing from Ireland; flew into his arms with transports of joy; and having obtained the formal consent of the barons in parliament to his re-establishment, set no longer any bounds to his extravagant fondness and affection. Gavaston himself, forgetting his past misfortunes, and blind to their causes, resumed the same ostentation and insolence; and became more than ever the object of general detestation among the nobility.

The barons first discovered their animosity by absenting themselves from parliament; and finding that this expedient had not been successful, they began to think of employing sharper and more effectual remedies. Though there had scarcely been any national ground of complaint, except some dissipation of the public treasure: Though all the acts of mal-administration, objected to the king and his favourite, seemed of a nature more proper to excite heart-burnings in a ball or assembly, than commotions in a great kingdom: Yet such was the situation of the times, that the barons were determined. and were able, to make them the reasons of a total alteration in the constitution and civil government.

7th Feb. Having come to parliament, in defiance of the laws and the king's prohibition, with a numerous retinue

[o] Rymer, vol. iii. p. 167.

of armed followers, they found themſelves entirely maſters; and they preſented a petition, which was equivalent to a command, requiring Edward to devolve on a choſen junto the whole authority, both of the crown and of the parliament. The king was obliged to ſign a commiſſion, empowering the prelates and barons to elect twelve perſons who ſhould, till the term of Michaelmas in the year following, have authority to enact ordinances for the government of the kingdom, and regulation of the king's houſehold; conſenting that theſe ordinances ſhould thenceforth and for ever have the force of laws; allowing the ordainers to form aſſociations among themſelves and their friends, for their ſtrict and regular obſervance; and all this for the greater glory of God, the ſecurity of the church, and the honour and advantage of the king and kingdom[p]. The barons in return ſigned a declaration; in which they acknowledged that they owed theſe conceſſions merely to the king's free grace; promiſed that this commiſſion ſhould never be drawn into precedent; and engaged that the power of the ordainers ſhould expire at the time appointed[q].

CHAP. XIV. 1308. March 16.

THE choſen junto accordingly framed their ordinances, and preſented them to the king and parliament for their confirmation in the enſuing year. Some of theſe ordinances were laudable, and tended to the regular execution of juſtice: Such as thoſe, requiring ſheriffs to be men of property, aboliſhing the practice of iſſuing privy ſeals for the ſuſpenſion of juſtice, reſtraining the practice of purveyance, prohibiting the adulteration and alteration of the coin, excluding foreigners from the farms of the revenue, ordering all payments to be regularly made into the exchequer, revoking all late grants of the crown, and giving the parties damages in the caſe of vexatious proſecutions. But what chiefly grieved

1311.

p Brady's App. N° 50. Heming. vol. i. p. 247. Walſing. p. 97. Ryley, p. 526. q Brady's App. N° 51.

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CHAP. XIV. 1311.

the king, was the ordinance for the removal of evil counsellors, by which a great number of persons were by name excluded from every office of power and profit; and Piers Gavaston himself was for ever banished the king's dominions, under the penalty, in case of disobedience, of being declared a public enemy. Other persons, more agreeable to the barons, were substituted in all the offices. And it was ordained, that for the future all the considerable dignities in the household, as well as in the law, revenue, and military governments, should be appointed by the *baronage* in parliament; and the power of making war, or assembling his military tenants, should no longer be invested solely in the king, nor be exercised without the consent of the nobility.

EDWARD, from the same weakness both in his temper and situation, which had engaged him to grant this unlimited commission to the barons, was led to give a parliamentary sanction to their ordinances: But as a consequence of the same character, he *secretly* made a protest against them, and declared, that since the commission was granted only for the making of ordinances to the advantage of king and kingdom, such articles as should be found prejudicial to both, were to be held as not ratified and confirmed [r]. It is no wonder, indeed, that he retained a firm purpose to revoke ordinances which had been imposed on him by violence, which entirely annihilated the royal authority, and above all, which deprived him of the company and society of a person whom, by an unusual infatuation, he valued above all the world, and above every consideration of interest or tranquillity.

As soon, therefore, as Edward, removing to York, had freed himself from the immediate terror of the barons' power, he invited back Gavaston from Flanders, which that favourite had made the place of his retreat; and declaring his banishment to be

[r] Ryley's Placit. Parl. p. 530. 542.

illegal,

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illegal, and contrary to the laws and customs of the kingdom [s], openly re-instated him in his former credit and authority. The barons, highly provoked at this disappointment, and apprehensive of danger to themselves, from the declared animosity of so powerful a minion, saw that either his or their ruin was now inevitable; and they renewed, with redoubled zeal, their former confederacy against him. The earl of Lancaster was a dangerous head of this alliance: Guy earl of Warwic entered into it with a furious and precipitate passion: Humphry Bohun earl of Hereford, the constable, and Aymer de Valence earl of Pembroke, brought to it a great accession of power and interest: Even earl Warrenne deserted the royal cause, which he had hitherto supported, and was reduced to embrace the side of the confederates [t]. And as Robert de Winchelsey, archbishop of Canterbury, professed himself of the same party, he determined the body of the clergy, and consequently the people, to declare against the king and his minion. So predominant at that time was the power of the great nobility, that the combination of a few of them was always able to shake the throne; and such an universal concurrence became irresistible. The earl of Lancaster suddenly raised an army, and marched to York, where he found the king already removed to Newcastle [u]. He fled thither in pursuit of him; and Edward had just time to escape to Tinmouth, where he embarked, and sailed with Gavaston to Scarborough. He left his favourite in that fortress, which, had it been properly supplied with provisions, was deemed impregnable; and he marched forward to York, in hopes of raising an army, which might be able to support him against his enemies. Pembroke was sent by the confederates to besiege the castle of Scarborough; and Gavaston, sensible of the bad condition of his garrison,

[s] Brady's App. N° 53. Walsing. p. 98. [t] Trivet, cont. p. 4. [u] Walsing. p. 101.

CHAP. XIV. 1312. 19th May. was obliged to capitulate, and to surrender himself prisoner[w]. He stipulated that he should remain in Pembroke's hands for two months; that endeavours should, during that time, be mutually used for a general accommodation; that if the terms proposed by the barons were not accepted, the castle should be restored to him in the same condition as when he surrendered it; and that the earl of Pembroke and Henry Piercy should, by contract, pledge all their lands for the fulfilling of these conditions[x]. Pembroke, now master of the person of this public enemy, conducted him to the castle of Dedington, near Banbury; where, on pretence of other business, he left him protected by a feeble guard[y]. Warwic, probably in concert with Pembroke, attacked the castle: The garrison refused to make any resistance: Gavaston was yielded up to him, and conducted to Warwic castle: The earls of Lancaster, Hereford, and Arundel, immediately repaired thither[z]: And without any regard either to the laws or the military capitulation, they ordered the head of the obnoxious favourite to be struck off by the hands of the executioner[a].

Murder of Gavaston. 1st July.

THE king had retired northward to Berwic when he heard of Gavaston's murder; and his resentment was proportioned to the affection which he had ever borne him while living. He threatened vengeance on all the nobility who had been active in that bloody scene; and he made preparations for war in all parts of England. But being less constant in his enmities than in his friendships, he soon after hearkened to terms of accommodation, granted the barons a pardon of all offences; and as they stipulated to ask him publicly pardon on their knees[b], he was so pleased with these vain appearances of sub-

w Walsing. p. 101. x Rymer, vol. ii. p. 324.
y T. de la More, p. 593. z Dugd. Baron. vol. ii. p. 44.
a Walsing. p. 101. T. de la More, p. 593. Trivet, cont. p. 9.
b Ryley, p. 538. Rymer, vol. iii. p. 366.

mission,

CHAP. XIV. 1312.

miſſion, that he ſeemed to have ſincerely forgiven them all paſt injuries. But as they ſtill pretended, notwithſtanding their lawleſs conduct, a great anxiety for the maintenance of law, and required the eſtabliſhment of their former ordinances as a neceſſary ſecurity for that purpoſe, Edward told them, that he was willing to grant them a free and legal confirmation of ſuch of theſe ordinances as were not entirely derogatory to the prerogative of the crown. This anſwer was received, for the preſent, as ſatisfactory. The king's perſon, after the death of Gavaſton, was now become leſs obnoxious to the public; and as the ordinances inſiſted on appeared to be nearly the ſame with thoſe which had formerly been extorted from Henry III. by Mountfort, and which had been attended with ſo many fatal conſequences, they were, on that account, demanded with leſs vehemence by the nobility and people. The minds of all men ſeemed to be much appeaſed: The animoſities of faction no longer prevailed: And England, now united under its head, would henceforth be able, it was hoped, to take vengeance on all its enemies; particularly on the Scots, whoſe progreſs was the object of general reſentment and indignation.

War with Scotland.

IMMEDIATELY after Edward's retreat from Scotland, Robert Bruce left his faſtneſſes, in which he intended to have ſheltered his feeble army; and ſupplying his defect of ſtrength by ſuperior vigour and abilities, he made deep impreſſion on all his enemies, foreign and domeſtic. He chaſed lord Argyle, and the chieftain of the Macdowals, from their hills, and made himſelf entirely maſter of the high country: He thence invaded, with ſucceſs, the Cummins in the low countries of the north: He took the caſtles of Inverneſs, Forfar, and Brechin. He daily gained ſome new acceſſion of territory; and, what was a more important acquiſition, he daily reconciled the minds of the nobility to his dominion, and inliſted under his ſtandard every bold leader, whom he enriched by the ſpoils of his enemies. Sir

CHAP. XIV. 1312.

James Douglas, in whom commenced the greatneſs and renown of that warlike family, ſeconded him in all his enterpriſes: Edward Bruce, Robert's own brother, diſtinguiſhed himſelf by acts of valour: And the terror of the Engliſh power being now abated by the feeble conduct of the king, even the leaſt ſanguine of the Scots began to entertain hopes of recovering their independence; and the whole kingdom, except a few fortreſſes, which he had not the means to attack, had acknowledged the authority of Robert.

In this ſituation, Edward had found it neceſſary to grant a truce to Scotland; and Robert ſucceſſfully employed the interval in conſolidating his power, and introducing order into his civil government, disjointed by a long continuance of wars and factions. The interval was very ſhort: The truce, ill obſerved on both ſides, was at laſt openly violated; and war recommenced with greater fury than ever. Robert, not content with defending himſelf, had made ſucceſsful inroads into England, ſubſiſted his needy followers by the plunder of that country, and taught them to deſpiſe the military genius of a people who had long been the object of their terror. Edward, at laſt, rouſed from his lethargy, had marched an army into Scotland; and Robert, determined not to riſque too much againſt an enemy ſo much ſuperior, retired again into the mountains. The king advanced beyond Edinburgh; but being deſtitute of proviſions, and being ill ſupported by the Engliſh nobility, who were then employed in framing their ordinances, he was ſoon obliged to retreat, without gaining any advantage over the enemy. But the appearing union of all the parties in England, after the death of Gavaſton, ſeemed to reſtore that kingdom to its native force, opened again the proſpect of reducing Scotland, and promiſed a happy concluſion to a war in which both the intereſts and paſſions of the nation were ſo deeply engaged.

EDWARD

CHAP. XIV.

1314.

Edward assembled forces from all quarters, with a view of finishing, at one blow, this important enterprise. He summoned the most warlike of his vassals from Gascony: He inlisted troops from Flanders, and other foreign countries: He invited over great numbers of the disorderly Irish as to a certain prey: He joined to them a body of the Welsh, who were actuated by like motives: And assembling the whole military force of England, he marched to the frontiers with an army which, according to the Scotch writers, amounted to a hundred thousand men.

The army collected by Robert exceeded not thirty thousand combatants; but being composed of men who had distinguished themselves by many acts of valour, who were rendered desperate by their situation, and who were inured to all the varieties of fortune, they might justly, under such a leader, be deemed formidable to the most numerous and best appointed armies. The castle of Stirling, which, with Berwic, was the only fortress in Scotland that remained in the hands of the English, had long been besieged by Edward Bruce: Philip de Mowbray, the governor, after an obstinate defence, was at last obliged to capitulate, and to promise, that if, before a certain day which was now approaching, he were not relieved, he should open his gates to the enemy [c]. Robert therefore, sensible that here was the ground on which he must expect the English, chose the field of battle with all the skill and prudence imaginable, and made the necessary preparations for their reception. He posted himself at Bannockburn, about two miles from Stirling; where he had a hill on his right flank, and a morass on his left: And not content with having taken these precautions to prevent his being surrounded by the more numerous

[c] Rymer, vol. iii. p. 481.

CHAP. XIV. 1314.

army of the English, he foresaw the superior strength of the enemy in cavalry, and made provision against it. Having a rivulet in front, he commanded deep pits to be dug along its banks, and sharp stakes to be planted in them; and he ordered the whole to be carefully covered over with turf [d]. The English arrived in sight on the evening, and a bloody conflict immediately ensued between two bodies of cavalry; where Robert, who was at the head of the Scots, engaged in single combat with Henry de Bohun, a gentleman of the family of Hereford, and at one stroke cleft his adversary to the chin with a battle-ax, in sight of the two armies. The English horse fled with precipitation to their main body.

THE Scots, encouraged by this favourable event, and glorying in the valour of their prince, prognosticated a happy issue to the combat on the ensuing day: The English, confident in their numbers, and elated with former successes, longed for an opportunity of revenge: And the night, though extremely short in that season and in that climate, appeared tedious to the impatience of the several combatants. Early in the morning Edward drew out his army, and advanced towards the Scots. The earl of Glocester, his nephew, who commanded the left wing of the cavalry, impelled by the ardour of youth, rushed on to the attack without precaution, and fell among the covered pits, which had been prepared by Bruce for the reception of the enemy [e]. This body of horse was disordered: Glocester himself was overthrown and slain: Sir James Douglas, who commanded the Scottish cavalry, gave the enemy no leisure to rally, but pushed them off the field with considerable loss, and pursued them in sight of their whole line of infantry. While the English army were alarmed with this unfortunate begin-

Battle of Bannockburn. 25th June.

[d] T. de la More, p. 594. [e] Ibid.

ning

CHAP. XIV.

1314.

ning of the action, which commonly proves decisive, they observed an army on the heights towards the left, which seemed to be marching leisurely in order to surround them; and they were distracted by their multiplied fears. This was a number of waggoners and sumpter-boys, whom Robert had collected; and having supplied them with military standards, gave them the appearance, at a distance, of a formidable body. The stratagem took effect: A panic seized the English: They threw down their arms, and fled: They were pursued with great slaughter, for the space of ninety miles, till they reached Berwic: And the Scots, besides an inestimable booty, took many persons of quality prisoners, and above 400 gentlemen, whom Robert treated with great humanity [f], and whose ransom was a new accession of wealth to the victorious army. The king himself narrowly escaped, by taking shelter in Dunbar, whose gates were opened to him by the earl of March; and he thence passed by sea to Berwic.

SUCH was the great and decisive battle of Bannockburn, which secured the independence of Scotland, fixed Bruce on the throne of that kingdom, and may be deemed the greatest overthrow that the English nation, since the Conquest, has ever received. The number of slain on those occasions is always uncertain, and is commonly much magnified by the victors: But this defeat made a deep impression on the minds of the English; and it was remarked, that, for some years, no superiority of numbers could encourage them to keep the field against the Scots. Robert, in order to avail himself of his present success, entered England, and ravaged all the northern counties without opposition: He besieged Carlisle; but that place was saved by the valour of sir An-

[f] Ypod. Neust. p. 501.

CHAP. XIV. 1314. drew Harcla, the governor: He was more succeſsful againſt Berwic, which he took by aſſault: And this prince, elated by his continued proſperity, now entertained hopes of making the moſt important conqueſts on the Engliſh. 1315. He ſent over his brother Edward, with an army of 6000 men, into Ireland; and that nobleman aſſumed the title of king of that iſland: He himſelf followed ſoon after with more numerous forces: The horrible and abſurd oppreſſions which the Iriſh ſuffered under the Engliſh government made them, at firſt, fly to the ſtandard of the Scots, whom they regarded as their deliverers: But a grievous famine, which at that time deſolated both Ireland and Britain, reduced the Scottiſh army to the greateſt extremities; and Robert was obliged to return, with his forces much diminiſhed, into his own country. His brother, after having experienced a variety of fortune, was defeated and ſlain near Dundalk by the Engliſh, commanded by lord Bermingham: And theſe projects, too extenſive for the force of the Scottiſh nation, thus vaniſhed into ſmoke.

Edward, beſides ſuffering thoſe diſaſters from the invaſion of the Scots, and the inſurrection of the Iriſh, was alſo infeſted with a rebellion in Wales; and, above all, by the factions of his own nobility, who took advantage of the public calamities, inſulted his fallen fortunes, and endeavoured to eſtabliſh their own independence on the ruins of the throne. Lancaſter, and the barons of his party, who had declined attending him on his Scottiſh expedition, no ſooner ſaw him return with diſgrace, than they inſiſted on the renewal of their ordinances, which, they ſtill pretended, had validity; and the king's unhappy ſituation obliged him to ſubmit to their demands. The miniſtry was new-modelled by the direction of Lancaſter[g]: That prince was placed at the head of the

[g] Ryley, p. 560. Rymer, vol. iii. p. 722.

council;

council: It was declared, that all the offices ſhould be filled, from time to time, by the votes of parliament, or rather by the will of the great barons [h]. And the nation, under this new model of government, endeavoured to put itſelf in a better poſture of defence againſt the Scots. But the factious nobles were far from being terrified with the progreſs of theſe public enemies: On the contrary, they founded the hopes of their own future grandeur on the weakneſs and diſtreſſes of the crown: Lancaſter himſelf was ſuſpected, with great appearance of reaſon, of holding a ſecret correſpondence with the king of Scots: And though he was entruſted with the command of the Engliſh armies, he took care that every enterpriſe ſhould be diſappointed, and every plan of operations prove unſucceſsful. CHAP. XIV. 1315.

ALL the European kingdoms, eſpecially that of England, were at this time unacquainted with the office of a prime miniſter, ſo well underſtood at preſent in all regular monarchies; and the people could form no conception of a man, who, though ſtill in the rank of a ſubject, poſſeſſed all the power of a ſovereign, eaſed the prince of the burthen of affairs, ſupplied his want of experience or capacity, and maintained all the rights of the crown, without degrading the greateſt nobles by their ſubmiſſion to his temporary authority. Edward was plainly, by nature, unfit to hold himſelf the reins of government: He had no vices, but was unhappy in a total incapacity for ſerious buſineſs: He was ſenſible of his own defects, and neceſſarily ſought to be governed: Yet every favourite whom he ſucceſſively choſe was regarded as a fellow-ſubject exalted above his rank and ſtation: He was the object of envy to the great nobility: His character and conduct were decried with the people: His authority over the king and kingdom was conſidered as an uſurpation: And unleſs

[h] Brady, vol. ii. p. 122. from the records, App. N° 61. Ryley, p. 560.

 the

CHAP. XIV. 1315. the prince had embraced the dangerous expedient of devolving his power on the earl of Lancaſter, or ſome mighty baron, whoſe family intereſt was ſo extenſive as to be able alone to maintain his influence, he could expect no peace or tranquillity upon the throne.

Hugh le Deſpenſer. THE king's chief favourite, after the death of Gavaſton, was Hugh le Deſpenſer, or Spenſer, a young man of Engliſh birth, of high rank, and of a noble family [i]. He poſſeſſed all the exterior accompliſhments of perſon and addreſs, which were fitted to engage the weak mind of Edward; but was deſtitute of that moderation and prudence which might have qualified him to mitigate the envy of the great, and conduct him through all the perils of that dangerous ſtation to which he was advanced. His father, who was of the ſame name, and who, by means of his ſon, had alſo attained great influence over the king, was a nobleman venerable from his years, reſpected through all his paſt life for wiſdom, valour, and integrity, and well fitted, by his talents and experience, could affairs have admitted of any temperament, to have ſupplied the defects both of the king and of his minion [k]. But no ſooner was Edward's attachment declared for young Spenſer, than the turbulent Lancaſter, and moſt of the great barons, regarded him as their rival, made him the object of their animoſity, and formed violent plans for his ruin [l]. They firſt declared their diſcontent by withdrawing from parliament; and it was not long ere they found a pretence for proceeding to greater extremities againſt him.

1321. Civil commotions. THE king, who ſet no limits to his bounty towards his minions, had married the younger Spenſer to his niece, one of the coheirs of the earl of Gloceſter, ſlain at Bannockburn. The favourite, by his ſuc-

i Dugd. Baron. vol. i. p. 389. k T. de la More, p. 594. l Walſingham, p. 113. T. de la More, p. 595. Murimuth, p. 55.

cession

1321.

ceſſion to that opulent family, had inherited great poſſeſſions in the marches of Wales[m]; and being deſirous of extending ſtill farther his influence in thoſe quarters, he is accuſed of having committed injuſtice on the barons of Audley and Ammori, who had alſo married two ſiſters of the ſame family. There was likewiſe a baron in that neighbourhood, called William de Braouſe, lord of Gower, who had made a ſettlement of his eſtate on John de Mowbray, his ſon-in-law; and, in caſe of failure of that nobleman and his iſſue, had ſubſtituted the earl of Hereford in the ſucceſſion to the barony of Gower. Mowbray, on the deceaſe of his father-in-law, entered immediately in poſſeſſion of the eſtate, without the formality of taking livery and ſeizin from the crown: But Spenſer, who coveted that barony, perſuaded the king to put in execution the rigour of the feudal law, to ſeize Gower as eſcheated to the crown, and to confer it upon him[n]. This tranſaction, which was the proper ſubject of a law-ſuit, immediately excited a civil war in the kingdom. The earls of Lancaſter and Hereford flew to arms: Audley and Ammori joined them with all their forces: The two Rogers de Mortimer and Roger de Clifford, with many others, diſguſted, for private reaſons, at the Spenſers, brought a conſiderable acceſſion to the party: And their army being now formidable, they ſent a meſſage to the king, requiring him immediately to diſmiſs or confine the younger Spenſer; and menacing him, in caſe of refuſal, with renouncing their allegiance to him, and taking revenge on that miniſter by their own authority. They ſcarcely waited for an anſwer; but immediately fell upon the lands of young Spenſer, which they pillaged and deſtroyed; murdered his ſervants, drove off his cattle, and burned his houſes[o]:

[m] Trivet, Cont. p. 25. [n] Monach. Malmeſ. [o] Murimuth, p. 55.

They

CHAP. XIV. 1321.

They thence proceeded to commit like devaſtations on the eſtates of Spenſer the father, whoſe character they had hitherto ſeemed to reſpect: And having drawn and ſigned a formal aſſociation among themſelves [p], they marched to London with all their forces, ſtationed themſelves in the neighbourhood of that city, and demanded of the king the baniſhment of both the Spenſers. Theſe noblemen were then abſent; the father abroad; the ſon at ſea; and both of them employed in different commiſſions: The king therefore replied, that his coronation oath, by which he was bound to obſerve the laws, reſtrained him from giving his aſſent to ſo illegal a demand, or condemning noblemen who were accuſed of no crime, nor had any opportunity afforded them of making anſwer [q]. Equity and reaſon were but a feeble oppoſition to men who had arms in their hands, and who, being already involved in guilt, ſaw no ſafety but in ſucceſs and victory. They entered London with their troops; and giving in to the parliament, which was then ſitting, a charge againſt the Spenſers, of which they attempted not to prove one article, they procured, by menaces and violence, a ſentence of attainder and perpetual exile againſt theſe miniſters [r]. This ſentence was voted by the lay barons alone: For the commons, though now an eſtate in parliament, were yet of ſo little conſideration, that their aſſent was not demanded; and even the votes of the prelates were neglected amidſt the preſent diſorders. The only ſymptom which theſe turbulent barons gave of their regard to law, was their requiring from the king an indemnity for their illegal proceedings [s]; after which they diſbanded their army, and ſeparated, in ſecurity, as they imagined, to their ſeveral caſtles.

p Tyrrel, vol. ii. p. 280. from the regiſter of C. C. Canterbury.
q Walſing. p. 114.
r Tottle's Collect. part 2. p. 50. Walſing. p. 114.
s Tottle's Collect. part 2. p. 54. Rymer, vol. iii. p. 891.

THIS

CHAP. XIV.

1321.

THIS act of violence, in which the king was obliged to acquiesce, rendered his person and his authority so contemptible, that every one thought himself entitled to treat him with neglect. The queen, having occasion soon after to pass by the castle of Leeds in Kent, which belonged to the lord Badlesmere, desired a night's lodging, but was refused admittance; and some of her attendants, who presented themselves at the gate, were killed [t]. The insult upon this princess, who had always endeavoured to live on good terms with the barons, and who joined them heartily in their hatred of the younger Spenser, was an action which nobody pretended to justify; and the king thought that he might, without giving general umbrage, assemble an army, and take vengeance on the offender. No one came to the assistance of Badlesmere; and Edward prevailed [u]: But having now some forces on foot, and having concerted measures with his friends throughout England, he ventured to take off the mask, to attack all his enemies, and to recal the two Spensers, whose sentence he declared illegal, unjust, contrary to the tenor of the Great Charter, passed without the assent of the prelates, and extorted by violence from him and the estate of barons [w]. Still the commons were not mentioned by either party.

1322.

THE king had now got the start of the barons; an advantage which, in those times, was commonly decisive: And he hastened with his army to the marches of Wales, the chief seat of the power of his enemies, whom he found totally unprepared for resistance. Many of the barons in those parts endeavoured to appease him by submission [x]: Their castles were seized, and their persons committed to custody. But Lancaster, in order to prevent the total ruin of

[t] Rymer, vol. iii. p. 89. Walsing. p. 114, 115. T. de la More, p. 595. Murimuth, p. 56. [u] Walsing. p. 115. [w] Rymer, vol. iii. p. 907. T. de la More, p. 595. [x] Walsing. p. 115. Murimuth, p. 57.

his

CHAP. XIV. 1322. his party, ſummoned together his vaſſals and retainers; declared his alliance with Scotland, which had long been ſuſpected; received the promiſe of a reinforcement from that country, under the command of Randolf earl of Murray, and ſir James Douglas[y]; and being joined by the earl of Hereford, advanced with all his forces againſt the king, who had collected an army of 30,000 men, and was ſuperior to his enemies. Lancaſter poſted himſelf at Burton upon Trent, and endeavoured to defend the paſſages of the river[z]: But being diſappointed in that plan of operations, this prince, who had no military genius, and whoſe perſonal courage was even ſuſpected, fled with his army to the north, in expectation of being there joined by his Scottiſh allies[a]. He was purſued by the king; and his army diminiſhed daily, till he came to Boroughbridge, where he found ſir Andrew Harcla poſted with ſome forces on the oppoſite ſide of the river, and ready to diſpute the paſſage with him. He was repulſed in an attempt which he made to force his way; the earl of Hereford was killed; the whole army of the rebels was
16th Mar. diſconcerted; Lancaſter himſelf was become incapable of taking any meaſures either for flight or defence; and he was ſeized, without reſiſtance, by Harcla, and conducted to the king[b]. In thoſe violent times, the laws were ſo much neglected on both ſides, that, even where they might, without any ſenſible inconvenience, have been obſerved, the conquerors deemed it unneceſſary to pay any regard to them. Lancaſter, who was guilty of open rebellion, and was taken in arms againſt his ſovereign, inſtead of being tried by the laws of his country, which pronounced the ſentence of death againſt him, was condemned by a court-martial[c], and led to execution. Edward, however little vindictive in his natural tem-

y Rymer, vol. iii. p. 958. z Walſing. p. 115. a Ypod. Neuſt. p. 504. b T. de la More, p. 596. Walſing. p. 116. c Tyrrel, vol. ii. p. 291. from the records.

per,

CHAP. XIV.

1322. 23d Mar. Execution of the earl of Lancaster.

per, here indulged his revenge, and employed against the prisoner the same indignities which had been exercised, by his orders, against Gavaston. He was clothed in a mean attire, placed on a lean jade without a bridle, a hood was put on his head, and in this posture, attended by the acclamations of the people, this prince was conducted to an eminence near Pomfret, one of his own castles, and there beheaded [d].

Thus perished Thomas earl of Lancaster, prince of the blood, and one of the most potent barons that had ever been in England. His public conduct sufficiently discovers the violence and turbulence of his character: His private deportment appears not to have been more innocent: And his hypocritical devotion, by which he gained the favour of the monks and populace, will rather be regarded as an aggravation than an alleviation of his guilt. Badlesmere, Giffard, Barret, Cheney, Fleming, and about eighteen of the most notorious offenders, were afterwards condemned by a legal trial, and were executed. Many were thrown into prison: Others made their escape beyond sea: Some of the king's servants were rewarded from the forfeitures: Harcla received for his services the earldom of Carlisle, and a large estate, which he soon after forfeited with his life, for a treasonable correspondence with the king of Scotland. But the greater part of those vast escheats was seized by young Spenser, whose rapacity was insatiable. Many of the barons of the king's party were disgusted with this partial division of the spoils: The envy against Spenser rose higher than ever: The usual insolence of his temper, enflamed by success, impelled him to commit many acts of violence: The people, who always hated him, made him still more the object of aversion: All the relations of the attainted barons and gentlemen secretly vowed revenge: And though

[d] Leland's Coll. vol. i. p. 668.

tranquillity

CHAP. XIV. 1322. tranquillity was, in appearance, restored to the kingdom, the general contempt of the king, and odium against Spenser, bred dangerous humours, the source of future revolutions and convulsions.

In this situation, no success could be expected from foreign wars; and Edward, after making one more fruitless attempt against Scotland, whence he retreated with dishonour, found it necessary to terminate hostilities with that kingdom by a truce of thirteen years[e]. Robert, though his title to the crown was not acknowledged in the treaty, was satisfied with ensuring his possession of it during so long a time. He had repelled with gallantry all the attacks of England: He had carried war both into that kingdom and into Ireland: He had rejected with disdain the pope's authority, who pretended to impose his commands upon him, and oblige him to make peace with his enemies: His throne was firmly established, as well in the affections of his subjects as by force of arms: Yet there naturally remained some inquietude in his mind, while at war with a state which, however at present disordered by faction, was of itself so much an over-match for him, both in riches and in numbers of people. And this truce was, at the same time, the more seasonable for England, because the nation was at that juncture threatened with hostilities from France.

1324. Philip the Fair, king of France, who died in 1315, had left the crown to his son Lewis Hutin, who, after a short reign, dying without male issue, was succeeded by Philip the Long, his brother, whose death soon after made way for Charles the Fair, the youngest brother of that family. This monarch had some grounds of complaint against the king's ministers in Guienne; and as there was no common or equitable judge in that strange species of sovereignty

[e] Rymer, vol. iii. p. 1022. Murimuth, p. 60.

CHAP. XIV.

1324.

established by the feudal law, he seemed desirous to take advantage of Edward's weakness, and, under that pretence, to confiscate all his foreign dominions[f]. After an embassy by the earl of Kent, the king's brother, had been tried in vain, queen Isabella obtained permission to go over to Paris, and endeavour to adjust, in an amicable manner, the difference with her brother: But while she was making some progress in this negotiation, Charles started a new pretension, the justice of which could not be disputed, that Edward himself should appear in his court, and do homage for the fees which he held in France. But there occurred many difficulties in complying with this demand. Young Spenser, by whom the king was implicitly governed, had unavoidably been engaged in many quarrels with the queen, who aspired to the same influence; and though that artful princess, on her leaving England, had dissembled her animosity, Spenser, well acquainted with her secret sentiments, was unwilling to attend his master to Paris, and appear in a court, where her credit might expose him to insults, if not to danger. He hesitated no less on allowing the king to make the journey alone; both fearing, lest that easy prince should in his absence fall under other influence; and foreseeing the perils to which he himself should be exposed, if, without the protection of royal authority, he remained in England, where he was so generally hated. While these doubts occasioned delays and difficulties, Isabella proposed, that Edward should resign the dominion of Guienne to his son, now thirteen years of age; 1325.
and that the prince should come to Paris, and do the homage which every vassal owed to his superior lord. This expedient, which seemed so happily to remove all difficulties, was immediately embraced: Spenser was charmed with the contrivance: Young Edward was sent to Paris: And the ruin covered

[f] Rymer, vol. iv. p. 74. 98.

under

under this fatal ſnare, was never perceived or ſuſpected by any of the Engliſh council.

THE queen, on her arrival in France, had there found a great number of Engliſh fugitives, the remains of the Lancaſtrian faction; and their common hatred of Spenſer ſoon begat a ſecret friendſhip and correſpondence between them and that princeſs. Among the reſt was young Roger Mortimer, a potent baron in the Welſh marches, who had been obliged, with others, to make his ſubmiſſions to the king; had been condemned for high treaſon; but having received a pardon for his life, was afterwards detained in the Tower, with an intention of rendering his confinement perpetual. He was ſo fortunate as to make his eſcape into France[g]; and being one of the moſt conſiderable perſons now remaining of the party, as well as diſtinguiſhed by his violent animoſity againſt Spenſer, he was eaſily admitted to pay his court to queen Iſabella. The graces of his perſon and addreſs advanced him quickly in her affections: He became her confident and counſellor in all her meaſures: And gaining ground daily upon her heart, he engaged her to ſacrifice at laſt to her paſſion, all the ſentiments of honour and of fidelity to her huſband[h]. Hating now the man whom ſhe had injured, and whom ſhe never valued, ſhe entered ardently into all Mortimer's conſpiracies; and having artfully gotten into her hands the young prince, and heir of the monarchy, ſhe reſolved on the utter ruin of the king, as well as of his favourite. She engaged her brother to take part in the ſame criminal purpoſe: Her court was daily filled with the exiled barons: Mortimer lived in the moſt declared intimacy with her: A correſpondence was ſecretly carried on with the malcontent party in England: And when Edward, informed of thoſe alarming

Conſpiracy againſt the king.

g Rymer, vol. iv. p. 7, 8. 20. T. de la More, p. 596. Walſing. p. 120. Ypod. Neuſt. p. 506. h T. de la More, p. 563. Murimuth, p. 65.

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circumſtances, required her ſpeedily to return with the prince, ſhe publicly replied, that ſhe would never ſet foot in the kingdom, till Spenſer was for ever removed from his preſence and councils: A declaration which procured her great popularity in England, and threw a decent veil over all her treaſonable enterpriſes.

Insurrections.

EDWARD endeavoured to put himſelf in a poſture of defence[i]; but, beſides the difficulties ariſing from his own indolence and ſlender abilities, and the want of authority which of conſequence attended all his reſolutions, it was not eaſy for him, in the preſent ſtate of the kingdom and revenue, to maintain a conſtant force ready to repel an invaſion, which he knew not at what time or place he had reaſon to expect. All his efforts were unequal to the traiterous and hoſtile conſpiracies, which, both at home and abroad, were forming againſt his authority, and which were daily penetrating farther even into his own family. His brother, the earl of Kent, a virtuous but weak prince, who was then at Paris, was engaged by his ſiſter-in-law, and by the king of France, who was alſo his couſin-german, to give countenance to the invaſion, whoſe ſole object, he believed, was the expulſion of the Spenſers: He prevailed on his elder brother, the earl of Norfolk, to enter ſecretly into the ſame deſign: The earl of Leiceſter, brother and heir of the earl of Lancaſter, had too many reaſons for his hatred of theſe miniſters, to refuſe his concurrence. Walter de Reynel, archbiſhop of Canterbury, and many of the prelates, expreſſed their approbation of the queen's meaſures: Several of the moſt potent barons, envying the authority of the favourite, were ready to fly to arms: The minds of the people, by means of ſome truths and many calumnies, were ſtrongly diſpoſed to the ſame party: And there needed but the appearance of

[i] Rymer, vol. iv. p. 184. 188. 225.

CHAP. XIV. 1325. of the queen and prince, with such a body of foreign troops as might protect her against immediate violence, to turn all this tempest, so artfully prepared, against the unhappy Edward.

1326. CHARLES, though he gave countenance and assistance to the faction, was ashamed openly to support the queen and prince against the authority of a husband and father; and Isabella was obliged to court the alliance of some other foreign potentate from whose dominions she might set out on her intended enterprise. For this purpose she affianced young Edward, whose tender age made him incapable to judge of the consequences, with Philippa, daughter of the count of Holland and Hainault [k]; and having, by the open assistance of this prince, and the secret protection of her brother, inlisted in her service near 3000 men, she set sail from the harbour of Dort, and landed safely, and without opposition,
24th Sept. on the coast of Suffolk. The earl of Kent was in her company: Two other princes of the blood, the earl of Norfolk and the earl of Leicester, joined her soon after her landing with all their followers: Three prelates, the bishops of Ely, Lincoln, and Hereford, brought her both the force of their vassals and the authority of their character [l]: Even Robert de Watteville, who had been sent by the king to oppose her progress in Suffolk, deserted to her with all his forces. To render her cause more favourable, she renewed her declaration, that the sole purpose of her enterprise was to free the king and kingdom from the tyranny of the Spensers, and of chancellor Baldoc, their creature [m]. The populace were allured by her specious pretences: The barons thought themselves secure against forfeitures by the appearance of the prince in her army: And a weak irreso-

[k] T. de la More, p. 598. [l] Walsing. p. 123. Ypod. Neust. p. 507. T. de la More, p. 598. Murimuth, p. 66. [m] Ypod. Neust. p. 508.

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late king, supported by ministers generally odious, was unable to stem this torrent, which bore with such irresistible violence against him.

EDWARD, after trying in vain to rouse the citizens of London to some sense of duty[n], departed for the west, where he hoped to meet with a better reception; and he had no sooner discovered his weakness by leaving the city, than the rage of the populace broke out without controul against him and his ministers. They first plundered, then murdered all those who were obnoxious to them: They seized the bishop of Exeter, a virtuous and loyal prelate, as he was passing through the streets; and having beheaded him, they threw his body into the river[o]. They made themselves masters of the Tower by surprise; then entered into a formal association to put to death, without mercy, every one who should dare to oppose the enterprise of queen Isabella, and of the prince[p]. A like spirit was soon communicated to all other parts of England; and threw the few servants of the king, who still entertained thoughts of performing their duty, into terror and astonishment.

EDWARD was hotly pursued to Bristol by the earl of Kent, seconded by the foreign forces under John de Hainault. He found himself disappointed in his expectations with regard to the loyalty of those parts; and he passed over to Wales, where, he flattered himself, his name was more popular, and which he hoped to find uninfected with the contagion of geral rage which had seized the English[q]. The elder Spenser, created earl of Winchester, was left governor of the castle of Bristol; but the garrison mutinied against him, and he was delivered into the hands of his enemies. This venerable noble, who had nearly reached his ninetieth year, was instantly, without trial, or witness, or accusation, or answer,

[n] Walsing. p. 123. [o] Walsing. p. 124. T. de la More, p. 599. Murimuth, p. 66. [p] Walsing. p. 124. [q] Murimuth, p. 67.

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condemned to death by the rebellious barons: He was hanged on a gibbet; his body was cut in pieces, and thrown to the dogs[r]; and his head was ſent to Wincheſter, the place whoſe title he bore, and was there ſet on a pole, and expoſed to the inſults of the populace.

The king, diſappointed anew in his expectations of ſuccour from the Welſh, took ſhipping for Ireland; but being driven back by contrary winds, he endeavoured to conceal himſelf in the mountains of Wales: He was ſoon diſcovered, was put under the cuſtody of the earl of Leiceſter, and was confined in the caſtle of Kenilworth. The younger Spenſer, his favourite, who alſo fell into the hands of his enemies, was executed, like his father, without any appearance of a legal trial[s]: The earl of Arundel, almoſt the only man of his rank in England who had maintained his loyalty, was, without any trial, put to death at the inſtigation of Mortimer: Baldoc, the chancellor, being a prieſt, could not with ſafety be ſo ſuddenly diſpatched; but being ſent to the biſhop of Hereford's palace in London, he was there, as his enemies probably foreſaw, ſeized by the populace, was thrown into Newgate, and ſoon after expired, from the cruel uſage which he had received[t]. Even the uſual reverence paid to the ſacerdotal character gave way, with every other conſideration, to the preſent rage of the people.

The king dethroned.

The queen, to avail herſelf of the prevailing deluſion, ſummoned, in the king's name, a parliament at Weſtminſter; where, together with the power of her army, and the authority of her partizans among the barons, who were concerned to ſecure their paſt treaſons by committing new acts of violence againſt their ſovereign, ſhe expected to be ſeconded by the

[r] Leland's Coll. vol. i. p. 673. T. de la More, p. 599. Walſing. p. 125. M. Froiſſart, liv. i. chap. 13. [s] Walſing. p. 125. Ypod. Neuſt. p. 508. [t] Walſing. p. 126. Murimuth, p. 68.

fury

fury of the populace, the moſt dangerous of all inſtruments, and the leaſt anſwerable for their exceſſes. A charge was drawn up againſt the king, in which, even though it was framed by his inveterate enemies, nothing but his narrow genius, or his misfortunes, were objected to him: For the greateſt malice found no particular crime with which it could reproach this unhappy prince. He was accuſed of incapacity for government, of waſting his time in idle amuſements, of neglecting public buſineſs, of being ſwayed by evil counſellors, of having loſt, by his miſconduct, the kingdom of Scotland, and part of Guienne; and to ſwell the charge, even the death of ſome barons, and the impriſonment of ſome prelates, convicted of treaſon, were laid to his account [u]. It was in vain, amidſt the violence of arms and tumult of the people, to appeal either to law or to reaſon: The depoſition of the king, without any appearing oppoſition, was voted by parliament: The prince, already declared regent by his party [w], was placed on the throne: And a deputation was ſent to Edward at Kenilworth, to require his reſignation, which menaces and terror ſoon extorted from him.

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But it was impoſſible that the people, however corrupted by the barbarity of the times, ſtill farther enflamed by faction, could for ever remain inſenſible to the voice of nature. Here, a wife had firſt deſerted, next invaded, and then dethroned her huſband; had made her minor ſon an inſtrument in this unnatural treatment of his father; had, by lying pretences, ſeduced the nation into a rebellion againſt their ſovereign; had puſhed them into violence and cruelties that had diſhonoured them: All thoſe circumſtances were ſo odious in themſelves, and formed ſuch a complicated ſcene of guilt, that the leaſt

[u] Knyghton, p. 2765, 2766. Brady's App. No 72.
[w] Rymer, vol. iv. p. 137. Walſing. p. 125.

CHAP. XIV. 1327. reflection sufficed to open men's eyes, and make them detest this flagrant infringement of every public and private duty. The suspicions which soon arose of Isabella's criminal commerce with Mortimer, the proofs which daily broke out of this part of her guilt, increased the general abhorrence against her; and her hypocrisy, in publicly bewailing with tears the king's unhappy fate [x], was not able to deceive even the most stupid and most prejudiced of her adherents. In proportion as the queen became the object of public hatred, the dethroned monarch, who had been the victim of her crimes and her ambition, was regarded with pity, with friendship, with veneration: And men became sensible, that all his misconduct, which faction had so much exaggerated, had been owing to the unavoidable weakness, not to any voluntary depravity of his character. The earl of Leicester, now earl of Lancaster, to whose custody he had been committed, was soon touched with those generous sentiments; and besides using his prisoner with gentleness and humanity, he was suspected to have entertained still more honourable intentions in his favour. The king, therefore, was taken from his hands, and delivered over to lord Berkeley, and Mautravers, and Gournay, who were entrusted alternately, each for a month, with the charge of guarding him. While he was in the custody of Berkeley, he was still treated with the gentleness due to his rank and his misfortunes; but when the turn of Mautravers and Gournay came, every species of indignity was practised against him, as if their intention had been to break entirely the prince's spirit, and to employ his sorrows and afflictions, instead of more violent and more dangerous expedients, for the instruments of his murder [y]. It is reported that one day, when Edward was to be

x Walsing. p. 126. y Anonymi Hist. p. 838.

shaved,

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ſhaved, they ordered cold and dirty water to be brought from the ditch for that purpoſe; and when he deſired it to be changed, and was ſtill denied his requeſt, he burſt into tears, which bedewed his cheeks; and he exclaimed, that in ſpite of their inſolence, he ſhould be ſhaved with clean and warm water [z]. But as this method of laying Edward in his grave appeared ſtill too ſlow to the impatient Mortimer, he ſecretly ſent orders to the two keepers, who were at his devotion, inſtantly to diſpatch him; and theſe ruffians contrived to make the manner of his death as cruel and barbarous as poſſible. Taking advantage of Berkeley's ſickneſs, in whoſe cuſtody he then was, and who was thereby incapacitated from attending his charge [a]; they came to Berkeley-caſtle, and put themſelves in poſſeſſion of the king's perſon. They threw him on a bed; held him down violently with a table, which they flung over him; thruſt into his fundament a red-hot iron, which they inſerted through a horn: and though the outward marks of violence upon his perſon were prevented by this expedient, the horrid deed was diſcovered to all the guards and attendants by the ſcreams with which the agonizing king filled the caſtle, while his bowels were conſuming.

21ſt Sept. The king murdered.

GOURNAY and Mautravers were held in general deteſtation; and when the enſuing revolution in England threw their protectors from power, they found it neceſſary to provide for their ſafety by flying the kingdom. Gournay was afterwards ſeized at Marſeilles, delivered over to the ſeneſchal of Guienne, put on board a ſhip with a view of carrying him to England; but he was beheaded at ſea by ſecret orders, as was ſuppoſed, from ſome nobles and prelates in England, anxious to prevent any diſcovery which he might make of his accomplices. Mautravers concealed himſelf for ſeveral years in

z T. de la More, p. 602.

a Cotton's Abridg. p. 8.

 Germany;

CHAP. XIV. 1327. Germany; but having found means of rendering some service to Edward III. he ventured to approach his person, threw himself on his knees before him, submitted to mercy, and received a pardon [b].

His character.

It is not easy to imagine a man more innocent and inoffensive than the unhappy king whose tragical death we have related; nor a prince less fitted for governing that fierce and turbulent people subjected to his authority. He was obliged to devolve on others the weight of government, which he had neither ability nor inclination to bear: The same indolence and want of penetration led him to make choice of ministers and favourites who were not always the best qualified for the trust committed to them: The seditious grandees, pleased with his weakness, yet complaining of it; under pretence of attacking his ministers, insulted his person and invaded his authority: And the impatient populace, mistaking the source of their grievances, threw all the blame upon the king, and increased the public disorders by their faction and violence. It was in vain to look for protection from the laws, whose voice, always feeble in those times, was not heard amidst the din of arms: What could not defend the king was less able to give shelter to any of the people: The whole machine of government was torn in pieces with fury and violence: And men, instead of regretting the manners of their age, and the form of their constitution, which required the most steady and most skilful hand to conduct them, imputed all errors to the person who had the misfortune to be entrusted with the reins of empire.

But though such mistakes are natural and almost unavoidable, while the events are recent, it is a shameful delusion in modern historians, to imagine that all the ancient princes, who were unfortunate in their government, were also tyrannical in their

[b] Cotton's Abridg. p 66. 81. Rymer, vol. v. p. 600.

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conduct, and that the seditions of the people always proceeded from some invasion of their privileges by the monarch. Even a great and a good king was not in that age secure against faction and rebellion, as appears in the case of Henry II.; but a great king had the best chance, as we learn from the history of the same period, for quelling and subduing them. Compare the reigns and characters of Edward I. and II. The father made several violent attempts against the liberties of the people: His barons opposed him: He was obliged, at least found it prudent, to submit: But as they dreaded his valour and abilities, they were content with reasonable satisfaction, and pushed no farther their advantages against him. The facility and weakness of the son, not his violence, threw every thing into confusion: The laws and government were overturned: An attempt to reinstate them was an unpardonable crime: And no atonement, but the deposition and tragical death of the king himself, could give those barons contentment. It is easy to see that a constitution which depended so much on the personal character of the prince, must necessarily, in many of its parts, be a government of will, not of laws. But always to throw, without distinction, the blame of all disorders upon the sovereign, would introduce a fatal error in politics, and serve as a perpetual apology for treason and rebellion: As if the turbulence of the great, and madness of the people, were not, equally with the tyranny of princes, evils incident to human society, and no less carefully to be guarded against in every well-regulated constitution.

Miscellaneous transactions during this reign.

WHILE these abominable scenes passed in England, the theatre of France was stained with a wickedness equally barbarous, and still more public and deliberate. The order of knights templars had arisen during the first fervour of the Crusades; and uniting the two qualities, the most popular in that age, devotion and valour, and exercising both in the most

CHAP. XIV. 1327. most popular of all enterprises, the defence of the Holy Land, they had made rapid advances in credit and authority, and had acquired, from the piety of the faithful, ample possessions in every country of Europe, especially in France. Their great riches, joined to the course of time, had, by degrees, relaxed the severity of these virtues; and the templars had in a great measure lost that popularity which first raised them to honour and distinction. Acquainted from experience with the fatigues and dangers of those fruitless expeditions to the east, they rather chose to enjoy in ease their opulent revenues in Europe: And being all men of birth, educated, according to the custom of that age, without any tincture of letters, they scorned the ignoble occupations of a monastic life, and passed their time wholly in the fashionable amusements of hunting, gallantry, and the pleasures of the table. Their rival order, that of St. John of Jerusalem, whose poverty had as yet preserved them from like corruptions, still distinguished themselves by their enterprises against the infidels, and succeeded to all the popularity, which was lost by the indolence and luxury of the templars. But though these reasons had weakened the foundations of this order, once so celebrated and revered, the immediate cause of their destruction proceeded from the cruel and vindictive spirit of Philip the Fair, who, having entertained a private disgust against some eminent templars, determined to gratify at once his avidity and revenge, by involving the whole order in an undistinguished ruin. On no better information than that of two knights, condemned by their superiors to perpetual imprisonment for their vices and profligacy, he ordered on one day all the templars in France to be committed to prison, and imputed to them such enormous and absurd crimes, as are sufficient of themselves to destroy all the credit of the accusation. Besides their being universally charged with murder, robbery,

robbery, and vices the moſt ſhocking to nature; every one, it was pretended, whom they received into their order, was obliged to renounce his Saviour, to ſpit upon the croſs[c], and to join to this impiety the ſuperſtition of worſhipping a gilded head, which was ſecretly kept in one of their houſes at Marſeilles. They alſo initiated, it was ſaid, every candidate by ſuch infamous rites, as could ſerve to no other purpoſe, than to degrade the order in his eyes, and deſtroy for ever the authority of all his ſuperiors over him[d]. Above a hundred of theſe unhappy gentlemen were put to the queſtion, in order to extort from them a confeſſion of their guilt: The more obſtinate periſhed in the hands of their tormentors: Several, to procure immediate eaſe in the violence of their agonies, acknowledged whatever was required of them: Forged confeſſions were imputed to others: And Philip, as if their guilt were now certain, proceeded to a confiſcation of all their treaſures. But no ſooner were the templars relieved from their tortures, than, preferring the moſt cruel execution to a life with infamy, they diſavowed their confeſſions, exclaimed againſt the forgeries, juſtified the innocence of their order, and appealed to all the gallant actions performed by them in ancient or later times, as a full apology for their conduct. The tyrant, enraged at this diſappointment, and thinking himſelf now engaged in honour to proceed to extremities, ordered fifty-four of them, whom he branded as relapſed heretics, to periſh by the puniſhment of fire in his capital: Great numbers expired after a like manner in other parts of the kingdom: And when he found that the perſeverance of theſe unhappy victims, in juſtifying to the laſt their innocence, had made deep impreſſion on the ſpectators, he endeavoured to overcome the conſtancy

[c] Rymer, vol. iii. p. 31. 101.

[d] It was pretended that he kiſſed the knights who received him on the mouth, navel, and breech. Dupuy, p. 15, 16. Walſ. p. 99.

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of the templars by new inhumanities. The grand master of the order, John de Molay, and another great officer, brother to the sovereign of Dauphiny, were conducted to a scaffold, erected before the church of Notredame, at Paris; a full pardon was offered them on the one hand; the fire, destined for their execution, was shown them on the other: These gallant nobles still persisted in the protestations of their own innocence and that of their order; and were instantly hurried into the flames by the executioner [e].

In all this barbarous injustice, Clement V. who was the creature of Philip, and then resided in France, fully concurred; and without examining a witness, or making any enquiry into the truth of facts, he summarily, by the plenitude of his apostolic power, abolished the whole order. The templars all over Europe were thrown into prison; their conduct underwent a strict scrutiny; the power of their enemies still pursued and oppressed them; but no where, except in France, were the smallest traces of their guilt pretended to be found. England sent an ample testimony of their piety and morals; but as the order was now annihilated, the knights were distributed into several convents, and their possessions were, by command of the pope, transferred to the order of St. John [f]. We now proceed to relate some other detached transactions of the present period.

The kingdom of England was afflicted with a grievous famine during several years of this reign. Perpetual rains and cold weather not only destroyed the harvest, but bred a mortality among the cattle, and raised every kind of food to an enormous price [g]. The parliament, in 1315, endeavoured to fix more moderate rates to commodities; not sensible that such an attempt was impracticable, and that, were

[e] Vertot, vol. ii. p. 142. [f] Rymer, vol. iii. p. 323. 956. vol. iv. p. 47. Ypod. Neust. p. 506. [g] Trivet, cont. p. 17, 18.

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it possible to reduce the price of provisions by any other expedient than by introducing plenty, nothing could be more pernicious and destructive to the public. Where the produce of a year, for instance, falls so far short, as to afford full subsistence only for nine months, the only expedient for making it last all the twelve, is to raise the prices, to put the people by that means on short allowance, and oblige them to save their food till a more plentiful season. But, in reality, the increase of prices is a necessary consequence of scarcity; and laws, instead of preventing it, only aggravate the evil, by cramping and restraining commerce. The parliament accordingly, in the ensuing year, repealed their ordinance, which they had found useless and burdensome [h].

THE prices affixed by the parliament are somewhat remarkable: Three pounds twelve shillings of our present money for the best stalled ox; for other oxen, two pounds eight shillings: A fat hog of two years old, ten shillings: A fat wether unshorn, a crown; if shorn, three shillings and six-pence: A fat goose, seven-pence halfpenny: A fat capon, six-pence: A fat hen, three-pence: Two chickens, three pence: Four pigeons, three-pence: Two dozen of eggs, three-pence [i]. If we consider these prices, we shall find that butcher's meat, in this time of great scarcity, must still have been sold, by the parliamentary ordinance, three times cheaper than our middling prices at present: Poultry somewhat lower; because, being now considered as a delicacy, it has risen beyond its proportion. In the country places of Ireland and Scotland, where delicacies bear no price, poultry is at present as cheap, if not cheaper, than butcher's meat. But the inference I would draw from the comparison of prices is still more considerable: I suppose that the rates, affixed by par-

[h] Walsingham, p. 107.
[i] Rot. Parl. 7 Edw. II. n. 35, 36. Ypod. Neust. p. 502.

liament,

CHAP. XIV. 1327. liament, were inferior to the usual market prices in those years of famine and mortality of cattle; and that these commodities, instead of a third, had really risen to a half of the present value. But the famine at that time was so consuming, that wheat was sometimes sold for above four pounds ten shillings a quarter[k], usually for three pounds[l]; that is, twice our middling prices: A certain proof of the wretched state of tillage in those ages. We formerly found, that the middling price of corn in that period was half of the present price; while the middling price of cattle was only an eighth part: We here find the same immense disproportion in years of scarcity. It may thence be inferred with certainty, that the raising of corn was a species of manufactory, which few in that age could practise with advantage: And there is reason to think, that other manufactures more refined, were sold even beyond their present prices: At least there is a demonstration for it in the reign of Henry VII. from the rates affixed to scarlet and other broad cloth by act of parliament. During all those times, it was usual for the princes and great nobility to make settlements of their velvet beds and silken robes, in the same manner as of their estates and manors[m]. In the list of jewels and plate which had belonged to the ostentatious Gavaston, and which the king recovered from the earl of Lancaster after the murder of that favourite, we find some embroidered girdles, flowered shirts, and silk waistcoats[n]. It was afterwards one article of accusation against that potent and opulent earl, when he was put to death, that he had purloined some of that finery of Gavaston's. The ignorance of those ages in manufactures, and still more, their unskilful husbandry, seem a clear proof that the country was then far from being populous.

k Murimuth, p. 48. Walsingham, p. 108, says it rose to six pounds.
l Ypod. Neust. p. 502. Trivet, cont. p. 18.
m Dugdale, passim. n Rymer, vol. iii. p. 388.

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All trade and manufactures indeed were then at a very low ebb. The only country in the northern parts of Europe, where they seem to have risen to any tolerable degree of improvement, was Flanders. When Robert, earl of that country, was applied to by the king, and was desired to break off commerce with the Scots, whom Edward called his rebels, and represented as excommunicated on that account by the church, the earl replied, that Flanders was always considered as common, and free and open to all nations [o].

The petition of the elder Spenser to parliament, complaining of the devastation committed on his lands by the barons, contains several particulars which are curious, and discover the manners of the age [p]. He affirms, that they had ravaged sixty-three manors belonging to him, and he makes his losses amount to 46,000 pounds; that is, to 138,000 of our present money. Among other particulars, he enumerates 28,000 sheep, 1000 oxen and heifers, 1200 cows with their breed for two years, 560 cart horses, 2000 hogs, together with 600 bacons, 80 carcases of beef, and 600 muttons in the larder; ten tuns of cyder, arms for 200 men, and other warlike engines and provisions. The plain inference is, that the greater part of Spenser's vast estate, as well as the estates of the other nobility, was farmed by the landlord himself, managed by his stewards or bailiffs, and cultivated by his villains. Little or none of it was let on lease to husbandmen: Its produce was consumed in rustic hospitality by the baron or his officers: A great number of idle retainers, ready for any disorder or mischief, were maintained by him: All who lived upon his estate were absolutely at his disposal: Instead of applying to courts of justice, he usually

[o] Rymer, vol. iii. p. 770. [p] Brady's Hist. vol. ii. p. 143, from Claus. 15 Edw. II. M. 14. Dors. in cedula.

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 BEFORE

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BEFORE I conclude this reign, I cannot forbear making another remark, drawn from the detail of losses given in by the elder Spenser; particularly, the great quantity of salted meat which he had in his larder, 600 bacons, 80 carcases of beef, 600 muttons. We may observe that the outrage of which he complained began after the third of May, or the eleventh new style, as we learn from the same paper. It is easy therefore to conjecture what a vast store of the same kind he must have laid up at the beginning of winter; and we may draw a new conclusion with regard to the wretched state of ancient husbandry, which could not provide subsistence for the cattle during winter, even in such a temperate climate as the south of England: For Spenser had but one manor so far north as Yorkshire. There being few or no inclosures, except perhaps for deer, no sown grass, little hay, and no other resource of feeding cattle; the barons, as well as the people, were obliged to kill and salt their oxen and sheep in the beginning of winter, before they became lean upon the common pasture: A precaution still practised with regard to oxen in the least cultivated parts of this island. The salting of mutton is a miserable expedient, which has every where been long disused. From this circumstance, however trivial in appearance, may be drawn important inferences with regard to the domestic œconomy and manner of life in those ages.

THE disorders of the times, from foreign wars and intestine dissensions, but above all, the cruel famine, which obliged the nobility to dismiss many of their retainers, increased the number of robbers in the kingdom; and no place was secure from their incursions[s]. They met in troops like armies, and over-ran the country. Two cardinals themselves, the pope's legates, notwithstanding the numerous

[s] Ypod. Neust. p. 502. Wals. p. 107.

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train which attended them, were robbed, and despoiled of their goods and equipage, when they travelled on the highway[t].

AMONG the other wild fancies of the age, it was imagined, that the persons affected with leprosy, a disease at that time very common, probably from bad diet, had conspired with the Saracens to poison all the springs and fountains; and men being glad of any pretence to get rid of those who were a burthen to them, many of those unhappy people were burnt alive on this chimerical imputation. Several Jews also were punished in their persons, and their goods were confiscated on the same account[u].

STOWE, in his Survey of London, gives us a curious instance of the hospitality of the ancient nobility in this period: It is taken from the accounts of the cofferer or steward of Thomas earl of Lancaster, and contains the expences of that earl during the year 1313, which was not a year of famine. For the pantry, buttery, and kitchen, 3405 pounds. For 369 pipes of red wine, and two of white, 104 pounds, &c. The whole 7309 pounds; that is, near 22,000 pounds of our present money; and making allowance for the cheapness of commodities, near a hundred thousand pounds.

I HAVE seen a French manuscript, containing accounts of some private disbursements of this king. There is an article, among others, of a crown paid to one for making the king laugh. To judge by the events of the reign, this ought not to have been an easy undertaking.

THIS king left four children, two sons, and two daughters: Edward, his eldest son and successor; John, created afterwards earl of Cornwal, who died young at Perth; Jane, afterwards married to David Bruce king of Scotland; and Eleanor, married to Reginald count of Gueldres.

[t] Ypod. Neust. p. 503. T. de la More, p. 594. Trivet, cont. p. 22. Murimuth, p. 51. [u] Ypod. Neust. p. 504.

CHAP. XV.

EDWARD III.

War with Scotland——Execution of the earl of Kent——Execution of Mortimer earl of March——State of Scotland——War with that kingdom——King's claim to the crown of France——Preparations for war with France——War——Naval victory——Domestic disturbances——Affairs of Brittany——Renewal of the war with France——Invasion of France——Battle of Crecy——War with Scotland——Captivity of the king of Scots——Calais taken.

THE violent party, which had taken arms against Edward II. and finally deposed that unfortunate monarch, deemed it requisite for their future security to pay so far an exterior obeisance to the law, as to desire a parliamentary indemnity for all their illegal proceedings; on account of the necessity which, it was pretended, they lay under, of employing force against the Spensers and other evil counsellors, enemies of the kingdom. All the attainders also, which had passed against the earl of Lancaster and his adherents, when the chance of war turned against them, were easily reversed during the triumph of their party [w]; and the Spensers, whose former attainder had been reversed by parliament, were now again, in this change of fortune, condemned by the votes of their enemies. A council of regency was likewise appointed by parliament, consisting of twelve persons; five prelates, the archbishops of Canterbury

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[w] Rymer, vol. iv. p. 245. 257, 258, &c.

and

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and York, the bishops of Winchester, Worcester, and Hereford; and seven lay peers, the earls of Norfolk, Kent, and Surrey, and the lords Wake, Ingham, Piercy, and Ross. The earl of Lancaster was appointed guardian and protector of the king's person. But though it was reasonable to expect, that, as the weakness of the former king had given reins to the licentiousness of the barons, great domestic tranquillity would not prevail during the present minority; the first disturbance arose from an invasion by foreign enemies.

War with Scotland.

THE king of Scots declining in years and health, but retaining still that martial spirit which had raised his nation from the lowest ebb of fortune, deemed the present opportunity favourable for infesting England. He first made an attempt on the castle of Norham, in which he was disappointed; he then collected an army of 25,000 men on the frontiers, and having given the command to the earl of Murray and lord Douglas, threatened an incursion into the northern counties. The English regency, after trying in vain every expedient to restore peace with Scotland, made vigorous preparations for war; and besides assembling an English army of near sixty thousand men, they invited back John of Hainault, and some foreign cavalry, whom they had dismissed, and whose discipline and arms had appeared superior to those of their own country. Young Edward himself, burning with a passion for military fame, appeared at the head of these numerous forces; and marched from Durham, the appointed place of rendezvous, in quest of the enemy, who had already broken into the frontiers, and were laying every thing waste around them.

MURRAY and Douglas were the two most celebrated warriors, bred in the long hostilities between the Scots and English; and their forces, trained in the same school, and enured to hardships, fatigues, and dangers, were perfectly qualified, by their habits

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and manner of life, for that desultory and destructive war which they carried into England. Except a body of about 4000 cavalry, well armed, and fit to make a steady impression in battle, the rest of the army were light-armed troops, mounted on small horses, which found subsistence every where, and carried them with rapid and unexpected marches, whether they meant to commit depredations on the peaceable inhabitants, or to attack an armed enemy, or to retreat into their own country. Their whole equipage consisted of a bag of oatmeal, which, as a supply in case of necessity, each soldier carried behind him; together with a light plate of iron, on which he instantly baked the meal into a cake in the open fields. But his chief subsistence was the cattle which he seized; and his cookery was as expeditious as all his other operations. After flaying the animal, he placed the skin, loose and hanging in the form of a bag, upon some stakes; he poured water into it, kindled a fire below, and thus made it serve as a caldron for the boiling of his victuals [x].

The chief difficulty which Edward met with, after composing some dangerous frays which broke out between his foreign forces and the English [y], was to come up with an army so rapid in its marches, and so little incumbered in its motions. Though the flame and smoke of burning villages directed him sufficiently to the place of their encampment, he found, upon hurrying thither, that they had already dislodged; and he soon discovered, by new marks of devastation, that they had removed to some distant quarter. After harassing his army during some time in this fruitless chase, he advanced northwards, and crossed the Tyne, with a resolution of awaiting them on their return homewards, and taking vengeance for all their depredations [z]. But that whole country was already so much wasted by their frequent

[x] Froissard, liv. iv. chap. 18. [y] Ibid. liv. i. chap. 17.
[z] Ibid. liv. iv. chap. 19.

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incursions, that it could not afford subsistence to his army; and he was obliged again to return southwards, and change his plan of operations. He had now lost all track of the enemy; and though he promised the reward of a hundred pounds a year to any one who should bring him an account of their motions, he remained unactive some days, before he received any intelligence of them[a]. He found at last, that they had fixed their camp on the southern banks of the Were, as if they intended to await a battle; but their prudent leaders had chosen the ground with such judgment, that the English, on their approach, saw it impracticable, without temerity, to cross the river in their front, and attack them in their present situation. Edward, impatient for revenge and glory, here sent them a defiance, and challenged them, if they dared, to meet him in an equal field, and try the fortune of arms. The bold spirit of Douglas could ill brook this bravadoe, and he advised the acceptance of the challenge; but he was over-ruled by Murray, who replied to Edward, that he never took the counsel of an enemy in any of his operations. The king, therefore, kept still his position opposite to the Scots; and daily expected, that necessity would oblige them to change their quarters, and give him an opportunity of overwhelming them with superior forces. After a few days, they suddenly decamped, and marched farther up the river; but still posted themselves in such a manner as to preserve the advantage of the ground, if the enemy should venture to attack them[b]. Edward insisted, that all hazards should be run, rather than allow these ravagers to escape with impunity; but Mortimer's authority prevented the attack, and opposed itself to the valour of the young monarch. While the armies lay in this position, an incident happened which had well nigh proved fatal to the

[a] Rymer, vol. iv. p. 312. Froissard, liv. iv. chap. 19.
[b] Froissard, liv. iv. chap. 19.

English.

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English. Douglas having gotten the word, and surveyed exactly the situation of the English camp, entered it secretly in the night-time, with a body of two hundred determined soldiers, and advanced to the royal tent, with a view of killing or carrying off the king in the midst of his army. But some of Edward's attendants, awaking in that critical moment, made resistance; his chaplain and chamberlain sacrificed their lives for his safety; the king himself, after making a valorous defence, escaped in the dark: And Douglas, having lost the greater part of his followers, was glad to make a hasty retreat with the remainder [c]. Soon after, the Scottish army decamped without noise in the dead of night; and having thus gotten the start of the English, arrived without farther loss in their own country. Edward, on entering the place of the Scottish encampment, found only six Englishmen, whom the enemy, after breaking their legs, had tied to trees, in order to prevent their carrying any intelligence to their countrymen [d].

The king was highly incensed at the disappointment which he had met with in his first enterprise, and at the head of so gallant an army. The symptoms which he had discovered of bravery and spirit gave extreme satisfaction, and were regarded as sure prognostics of an illustrious reign: But the general displeasure fell violently on Mortimer, who was already the object of public odium: And every measure which he pursued, tended to aggravate, beyond all bounds, the hatred of the nation both against him and queen Isabella.

When the council of regency was formed, Mortimer, though in the plenitude of his power, had taken no care to ensure a place in it; but this semblance of moderation was only a cover to the most iniquitous and most ambitious projects. He rendered that council entirely useless by usurping to

[c] Froissard, liv. iv chap. 19. Hemingford, p. 268. Ypod. Neust. p. 509. Knyghton, p. 2552. [d] Froissard, liv. iv. chap. 19.

 himself

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1327. himself the whole sovereign authority; he settled on the queen dowager the greater part of the royal revenues; he never consulted either the princes of the blood or the nobility in any public measure; the king himself was so besieged by his creatures, that no access could be procured to him; and all the envy which had attended Gavaston and Spenser fell much more deservedly on the new favourite.

1328. MORTIMER, sensible of the growing hatred of the people, thought it requisite on any terms to secure peace abroad; and he entered into a negociation with Robert Bruce for that purpose. As the claim of superiority in England, more than any other cause, had tended to inflame the animosities between the two nations, Mortimer, besides stipulating a marriage between Jane, sister of Edward, and David, the son and heir of Robert, consented to resign absolutely this claim, to give up all the homages done by the Scottish parliament and nobility, and to acknowledge Robert as independent sovereign of Scotland[e]. In return for these advantages, Robert stipulated the payment of 30,000 marks to England. This treaty was ratified by parliament[f]; but was nevertheless the source of great discontent among the people, who, having entered zealously into the pretensions of Edward I. and deeming themselves disgraced by the successful resistance made by so inferior a nation, were disappointed, by this treaty, in all future hopes both of conquest and of vengeance.

THE princes of the blood, Kent, Norfolk, and Lancaster, were much united in their councils; and Mortimer entertained great suspicions of their designs against him. In summoning them to parliament, he strictly prohibited them, in the king's name, from coming attended by an armed force, an illegal but usual practice in that age. The three

[e] Rymer, p. 337. Heming. p. 270. Anon. Hist. p. 392.
[f] Ypod. Neust. p. 510.

earls,

earls, as they approached to Salisbury, the place appointed for the meeting of parliament, found, that though they themselves, in obedience to the king's command, had brought only their usual retinue with them, Mortimer and his party were attended by all their followers in arms; and they began with some reason to apprehend a dangerous design against their persons. They retreated, assembled their retainers, and were returning with an army to take vengeance on Mortimer; when the weakness of Kent and Norfolk, who deserted the common cause, obliged Lancaster also to make his submissions [g]. The quarrel, by the interposition of the prelates, seemed for the present to be appeased.

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But Mortimer, in order to intimidate the princes, determined to have a victim; and the simplicity, with the good intentions of the earl of Kent, afforded him soon after an opportunity of practising upon him. By himself and his emissaries he endeavoured to persuade that prince that his brother king Edward was still alive, and detained in some secret prison in England. The earl, whose remorses for the part which he had acted against the late king probably inclined him to give credit to this intelligence, entered into a design of restoring him to liberty, of reinstating him on the throne, and of making thereby some atonement for the injuries which he himself had unwarily done him [h]. After this harmless contrivance had been allowed to proceed a certain length, the earl was seized by Mortimer, was accused before the parliament, and condemned by those slavish though turbulent barons, to lose his life and fortune. The queen and Mortimer, apprehensive of young Edward's lenity towards his uncle, hurried on the execution, and the prisoner was beheaded next day: But so general was the

1329.

1330.

9th March. Execution of the earl of Kent.

[g] Knyghton, p. 2554. [h] Aversbury, p 8. Anon. Hist. p. 395.

affection

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affection borne him, and such pity prevailed for his unhappy fate, that though peers had been easily found to condemn him, it was evening before his enemies could find an executioner to perform the office [i].

The earl of Lancaster, on pretence of his having assented to this conspiracy, was soon after thrown into prison: Many of the prelates and nobility were prosecuted: Mortimer employed this engine to crush all his enemies, and to enrich himself and his family by the forfeitures. The estate of the earl of Kent was seized for his younger son Geoffrey: The immense fortunes of the Spensers and their adherents were mostly converted to his own use: He affected a state and dignity equal or superior to the royal: His power became formidable to every one: His illegal practices were daily complained of: And all parties, forgetting past animosities, conspired in their hatred of Mortimer.

It was impossible that these abuses could long escape the observation of a prince endowed with so much spirit and judgment as young Edward, who being now in his eighteenth year, and feeling himself capable of governing, repined at being held in fetters by this insolent minister. But so much was he surrounded by the emissaries of Mortimer, that it behoved him to conduct the project for subverting him with the same secrecy and precaution as if he had been forming a conspiracy against his sovereign. He communicated his intentions to lord Mountacute, who engaged the lords Molins and Clifford, sir John Nevil of Hornby, sir Edward Bohun, Ufford, and others, to enter into their views; and the castle of Nottingham was chosen for the scene of the enterprise. The queen-dowager and Mortimer lodged in that fortress: The king also was admitted, though with a few only of his attend-

[i] Heming. p. 271. Ypod. Neust. p. 510. Knyghton, p. 2555.

ants;

1330.

ants: And as the caſtle was ſtrictly guarded, the gates locked every evening, and the keys carried to the queen, it became neceſſary to communicate the deſign to ſir William Eland the governor, who zealouſly took part in it. By his direction the king's aſſociates were admitted through a ſubterraneous paſſage, which had formerly been contrived for a ſecret outlet from the caſtle, but was now buried in rubbiſh; and Mortimer, without having it in his power to make reſiſtance, was ſuddenly ſeized in an apartment adjoining to the queen's[k]. A parliament was immediately ſummoned for his condemnation. He was accuſed before that aſſembly of having uſurped regal power from the council of regency appointed by parliament; of having procured the death of the late king; of having deceived the earl of Kent into a conſpiracy to reſtore that prince; of having ſolicited and obtained exorbitant grants of the royal demeſnes; of having diſſipated the public treaſure; of ſecreting 20,000 marks of the money paid by the king of Scotland; and of other crimes and miſdemeanors[l]. The parliament condemned him, from the ſuppoſed notoriety of the facts, without trial, or hearing his anſwer, or examining a witneſs; and he was hanged on a gibbet at the Elmes, in the neighbourhood of London. It is remarkable that this ſentence was, near twenty years after, reverſed by parliament, in favour of Mortimer's ſon; and the reaſon aſſigned was the illegal manner of proceeding[m]. The principles of law and juſtice were eſtabliſhed in England, not in ſuch a degree as to prevent any iniquitous ſentence againſt a perſon obnoxious to the ruling party; but ſufficient, on the return of his credit or that of his friends, to ſerve as a reaſon or pretence for its reverſal.

Execution of Mortimer. 29th Nov.

[k] Aveſbury, p. 9. [l] Brady's App. No. 83. Anon. Hiſt. p. 397, 398. Knyghton, p. 2556. [m] Cotton's Abridg. p. 85, 86.

JUSTICE

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1331.

JUSTICE was alſo executed, by a ſentence of the houſe of peers, on ſome of the inferior criminals, particularly on Simon de Bereford: But the barons in that act of juriſdiction entered a proteſt, that though they had tried Bereford, who was none of their peers, they ſhould not for the future be obliged to receive any ſuch indictment. The queen was confined to her own houſe at Riſings near London: Her revenue was reduced to 4000 pounds a year[n]: And though the king, during the remainder of her life, paid her a decent viſit once or twice a year, ſhe never was able to reinſtate herſelf in any credit or authority.

EDWARD having now taken the reins of government into his own hands, applied himſelf with induſtry and judgment to redreſs all thoſe grievances which had proceeded either from want of authority in the crown, or from the late abuſes of it. He iſſued writs to the judges, enjoining them to adminiſter juſtice, without paying any regard to arbitrary orders from the miniſters: And as the robbers, thieves, murderers, and criminals of all kinds, had, during the courſe of public convulſions, multiplied to an enormous degree, and were openly protected by the great barons, who made uſe of them againſt their enemies, the king, after exacting from the peers a ſolemn promiſe in parliament, that they would break off all connections with ſuch malefactors[o], ſet himſelf in earneſt to remedy the evil. Many of theſe gangs had become ſo numerous as to require his own preſence to diſperſe them; and he exerted both courage and induſtry in executing this ſalutary office. The miniſters of juſtice, from his example, employed the utmoſt diligence in diſcovering, purſuing, and puniſhing the criminals; and this diſorder was by degrees corrected, at leaſt pal-

[n] Cotton's Abridg. p. 10. [o] Cotton's Abridg.

liated;

liated; the utmost that could be expected with regard to a disease hitherto inherent in the constitution. 1331.

In proportion as the government acquired authority at home, it became formidable to the neighbouring nations; and the ambitious spirit of Edward sought, and soon found, an opportunity of exerting itself. The wise and valiant Robert Bruce, who had recovered by arms the independence of his country, and had fixed it by the last treaty of peace with England, soon after died, and left David his son, a minor, under the guardianship of Randolf earl of Murray, the companion of all his victories. It had been stipulated in this treaty, that both the Scottish nobility, who before the commencement of the wars enjoyed lands in England, and the English who inherited estates in Scotland, should be restored to their respective possessions[p]: But though this article had been executed pretty regularly on the part of Edward, Robert, who observed that the estates claimed by Englishmen were much more numerous and valuable than the others, either thought it dangerous to admit so many secret enemies into the kingdom, or found it difficult to wrest from his own followers the possessions bestowed on them as the reward of former services: And he had protracted the performance of his part of the stipulation. The English nobles, disappointed in their expectations, began to think of a remedy; and as their influence was great in the north, their enmity alone, even though unsupported by the king of England, became dangerous to the minor prince, who succeeded to the Scottish throne.

State of Scotland.

EDWARD Baliol, the son of that John who was crowned king of Scotland, had been detained some time a prisoner in England after his father was released; but having also obtained his liberty, he went 1332.

[p] Rymer, vol. iv. p. 384.

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over to France, and resided in Normandy, on his patrimonial estate in that country, without any thoughts of reviving the claims of his family to the crown of Scotland. His pretensions, however plausible, had been so strenuously abjured by the Scots, and rejected by the English, that he was universally regarded as a private person; and he had been thrown into prison on account of some private offence of which he was accused. Lord Beaumont, a great English baron, who in the right of his wife claimed the earldom of Buchan in Scotland[q], found him in this situation; and deeming him a proper instrument for his purpose, made such interest with the king of France, who was not aware of the consequences, that he recovered him his liberty, and brought him over with him to England.

The injured nobles, possessed of such a head, began to think of vindicating their rights by force of arms; and they applied to Edward for his concurrence and assistance. But there were several reasons which deterred the king from openly avowing their enterprise. In his treaty with Scotland he had entered into a bond of 20,000 pounds, payable to the pope, if within four years he violated the peace; and as the term was not yet elapsed, he dreaded the exacting of that penalty by the sovereign pontiff, who possessed so many means of forcing princes to make payment. He was also afraid that violence and injustice would every where be imputed to him, if he attacked with superior force a minor king, and a brother-in-law, whose independent title had so lately been acknowledged by a solemn treaty. And as the regent of Scotland, on every demand which had been made of restitution to the English barons, had always confessed the justice of their claim, and had only given an evasive answer, grounded on plausible pretences, Edward resolved

q Rymer, vol. iv. p. 251.

not to proceed by open violence, but to employ like artifices against him. He secretly encouraged Baliol in his enterprise; connived at his assembling forces in the north; and gave countenance to the nobles who were disposed to join the attempt. A force of near 2500 men was inlisted under Baliol, by Umfreville earl of Angus, the lords Beaumont, Ferrars, Fitz-warin, Wake, Stafford, Talbot, and Moubray. As these adventurers apprehended that the frontiers would be strongly armed and guarded, they resolved to make their attack by sea; and having embarked at Ravenspur, they reached in a few days the coast of Fife. CHAP. XV. 1332.

SCOTLAND was at that time in a very different situation from that in which it had appeared under the victorious Robert. Besides the loss of that great monarch, whose genius and authority preserved entire the whole political fabric, and maintained an union among the unruly barons, lord Douglas, impatient of rest, had gone over to Spain in a crusade against the Moors, and had there perished in battle [r]: The earl of Murray, who had long been declining through age and infirmities, had lately died, and had been succeeded in the regency by Donald earl of Marre, a man of much inferior talents: The military spirit of the Scots, though still unbroken, was left without a proper guidance and direction: And a minor king seemed ill qualified to defend an inheritance, which it had required all the consummate valour and abilities of his father to acquire and maintain. But as the Scots were apprised of the intended invasion, great numbers, on the appearance of the English fleet, immediately ran to the shore, in order to prevent the landing of the enemy. Baliol had valour and activity, and he drove back the Scots with considerable loss [s]. He march-

[r] Froissard, liv. i. chap. 21.
[s] Heming. p. 272. Walsing. p. 131. Knyghton, p. 2560.

CHAP. XV. 1332. ed westward into the heart of the country, flattering himself that the ancient partisans of his family would declare for him. But the fierce animosities which had been kindled between the two nations, inspiring the Scots with a strong prejudice against a prince supported by the English, he was regarded as a common enemy; and the regent found no difficulty in assembling a great army to oppose him. It is pretended that Marre had no less than 40,000 men under his banners; but the same hurry and impatience that made him collect a force, which from its greatness was so disproportioned to the occasion, rendered all his motions unskilful and imprudent. The river Erne ran between the two armies; and the Scots, confiding in that security, as well as in their great superiority of numbers, kept no order in their encampment. Baliol passed the river in the night-time; attacked the unguarded and undisciplined Scots; threw them into confusion, which was 11th Aug. increased by the darkness, and by their very numbers to which they trusted; and he beat them off the field with great slaughter[t]. But in the morning, when the Scots were at some distance, they were ashamed of having yielded the victory to so weak a foe, and they hurried back to recover the honour of the day. Their eager passions urged them precipitately to battle, without regard to some broken ground which lay between them and the enemy, and which disordered and confounded their ranks. Baliol seized the favourable opportunity, advanced his troops upon them, prevented them from rallying, and anew chased them off the field with redoubled slaughter. There fell above 12,000 Scots in this action; and among these the flower of the nobility; the regent himself, the earl of Carric, a natural son of their late king, the earls of Athole and Monteith, lord Hay of Errol, constable, and

[t] Knyghton, p. 2561.

the

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the lords Keith and Lindſey. The loſs of the Engliſh ſcarcely exceeded thirty men; a ſtrong proof, among many others, of the miſerable ſtate of military diſcipline in thoſe ages[u].

BALIOL ſoon after made himſelf maſter of Perth; but ſtill was not able to bring over any of the Scots to his party. Patric Dunbar earl of March, and ſir Archibald Douglas, brother to the lord of that name, appeared at the head of the Scottiſh armies, which amounted ſtill to near 40,000 men; and they purpoſed to reduce Baliol and the Engliſh by famine. They blockaded Perth by land; they collected ſome veſſels with which they inveſted it by water: But Baliol's ſhips attaking the Scottiſh fleet, gained a complete victory; and opened the communication between Perth and the ſea[w]. The Scotch armies were then obliged to diſband for want of pay and ſubſiſtence: The nation was, in effect, ſubdued by a handful of men: Each nobleman who found himſelf moſt expoſed to danger, ſucceſſively ſubmitted to Baliol: That prince was crowned at Scone: David, his competitor, was ſent 7th Sept.
over to France with his betrothed wife, Jane ſiſter to Edward: And the heads of his party ſued to Baliol for a truce, which he granted them, in order to aſſemble a parliament in tranquillity, and have his title recogniſed by the whole Scottiſh nation.

BUT Baliol's imprudence, or his neceſſities, mak- 1333.
ing him diſmiſs the greater part of his Engliſh followers, he was, notwithſtanding the truce, attacked of a ſudden near Annan, by ſir Archibald Douglas, and other chieftains of that party; he was routed; his brother John Baliol was ſlain; he himſelf was chaſed into England in a miſerable condition; and thus loſt his kingdom by a revolution as ſudden as that by which he had acquired it.

[u] Heming. p. 273. Walſing. p. 131. Knyghton, p. 2561.
[w] Heming. p. 273. Knyghton, p. 2561.

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While Baliol enjoyed his ſhort-lived and precarious royalty, he had been ſenſible, that, without the protection of England, it would be impoſſible for him to maintain poſſeſſion of the throne; and he had ſecretly ſent a meſſage to Edward, offering to acknowledge his ſuperiority, to renew the homage for his crown, and to eſpouſe the princeſs Jane, if the pope's conſent could be obtained for diſſolving her former marriage, which was not yet conſummated. Edward, ambitious of recovering that important conceſſion, made by Mortimer during his minority, threw off all ſcruples, and willingly accepted the offer; but as the dethroning of Baliol had rendered this ſtipulation of no effect, the king prepared to reinſtate him in poſſeſſion of the crown; an enterpriſe which appeared from late experience ſo eaſy and ſo little hazardous. As he poſſeſſed many popular arts, he conſulted his parliament on the occaſion; but that aſſembly, finding the reſolution already taken, declined giving any opinion, and only granted him, in order to ſupport the enterpriſe, an aid of a fifteenth from the perſonal eſtates of the nobility and gentry, and a tenth of the moveables of boroughs. And they added a petition, that the king would thenceforth live on his own revenue, without grieving his ſubjects by illegal taxes, or by the outrageous ſeizure of their goods in the ſhape of purveyance [x].

War with Scotland.

As the Scots expected that the chief brunt of the war would fall upon Berwic, Douglas the regent threw a ſtrong garriſon into that place, under the command of ſir William Keith, and he himſelf aſſembled a great army on the frontiers, ready to penetrate into England, as ſoon as Edward ſhould have inveſted that place. The Engliſh army was leſs numerous, but better ſupplied with arms and

[x] Cotton's Abridg.

provisions,

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provisions, and retained in stricter discipline; and the king, notwithstanding the valiant defence made by Keith, had, in two months, reduced the garrison to extremities, and had obliged them to capitulate: They engaged to surrender, if they were not relieved within a few days by their countrymen [y]. This intelligence being conveyed to the Scottish army, which was preparing to invade Northumberland, changed their plan of operations, and engaged them to advance towards Berwic, and attempt the relief of that important fortress. Douglas, who had ever purposed to decline a pitched battle, in which he was sensible of the enemy's superiority, and who intended to have drawn out the war by small skirmishes, and by mutually ravaging each other's country, was forced, by the impatience of his troops, to put the fate of the kingdom upon the event of one day. He attacked the English at Halidown-hill, a little north of Berwic; and, though his heavy-armed cavalry dismounted, in order to render the action more steady and desperate, they were received with such valour by Edward, and were so galled by the English archers, that they were soon thrown into disorder, and, on the fall of Douglas their general, were totally routed. The whole army fled in confusion, and the English, but much more the Irish, gave little quarter in the pursuit: All the nobles of chief distinction were either slain or taken prisoners: Near thirty thousand of the Scots fell in the action: While the loss of the English amounted only to one knight, one esquire, and thirteen private soldiers: An inequality almost incredible [z]. 19th July.

AFTER this fatal blow, the Scottish nobles had no other resource than instant submission; and Edward, leaving a considerable body with Baliol to

[y] Rymer, vol. iv. p. 564, 565, 566. [z] Heming. p. 275, 276, 277. Knyghton, p. 2559. Otterborne, p. 115.

CHAP. XV. complete the conquest of the kingdom, returned with the remainder of his army to England. Baliol was acknowledged king by a parliament assembled at Edinburgh[a]; the superiority of England was again recognised; many of the Scottish nobility swore fealty to Edward; and to complete the misfortunes of that nation, Baliol ceded Berwic, Dunbar, Roxborough, Edinburgh, and all the south-east counties of Scotland, which were declared to be for ever annexed to the English monarchy[b].

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1334. IF Baliol, on his first appearance, was dreaded by the Scots, as an instrument employed by England for the subjection of the kingdom, this deed confirmed all their suspicions, and rendered him the object of universal hatred. Whatever submissions they might be obliged to make, they considered him, not as their prince, but as the delegate and confederate of their determined enemy: And neither the manners of the age, nor the state of Edward's revenue, permitting him to maintain a standing army in Scotland, the English forces were no sooner withdrawn, than the Scots revolted from Baliol, and returned to their former allegiance under Bruce. Sir Andrew Murray, appointed regent by the party of this latter prince, employed with success his valour and activity in many small but decisive actions against Baliol; and in a short time had almost wholly expelled him the kingdom. Edward was

1335. obliged again to assemble an army, and to march into Scotland: The Scots, taught by experience, withdrew into their hills and fastnesses: He destroyed the houses and ravaged the estates of those whom he called rebels: But this confirmed them still farther in their obstinate antipathy to England and to Baliol; and being now rendered desperate, they were ready to take advantage, on the first opportunity, of the retreat of their enemy, and they

a Rymer, vol. iv, p. 590. b Ibid. p. 614.

ſoon re-conquered their country from the Engliſh. Edward made anew his appearance in Scotland with like ſucceſs: He found every thing hoſtile in the kingdom, except the ſpot on which he was encamped: And though he marched uncontrolled over the low countries, the nation itſelf was farther than ever from being broken and ſubdued. Beſides being ſupported by their pride and anger, paſſions difficult to tame, they were encouraged, amidſt all their calamities, by daily promiſes of relief from France; and as a war was now likely to break out between that kingdom and England, they had reaſon to expect, from this incident, a great diverſion of that force which had ſo long oppreſſed and overwhelmed them. 1336.

WE now come to a tranſaction, on which depended the moſt memorable events, not only of this long and active reign, but of the whole Engliſh and French hiſtory, during more than a century; and it will therefore be neceſſary to give a particular account of the ſprings and cauſes of it. 1337. King's claim to the crown of France.

IT had long been a prevailing opinion, that the crown of France could never deſcend to a female; and, in order to give more authority to this maxim, and aſſign it a determinate origin, it had been uſual to derive it from a clauſe in the Salian Code, the law of an ancient tribe among the Franks; though that clauſe,[a] when ſtrictly examined, carries only the appearance of favouring this principle, and does not really, by the confeſſion of the beſt antiquaries, bear the ſenſe commonly impoſed upon it. But though poſitive law ſeems wanting among the French for the excluſion of females, the practice had taken place; and the rule was eſtabliſhed beyond controverſy on ſome ancient, as well as ſome modern precedents. During the firſt race of the monarchy, the Franks were ſo rude and barbarous a people, that they were incapable of ſubmitting to a female

CHAP. XV. 1337. a female reign; and in that period of their history there were frequent instances of kings advanced to royalty in prejudice of females, who were related to the crown by nearer degrees of consanguinity. These precedents, joined to like causes, had also established the male succession in the second race; and though the instances were neither so frequent nor so certain during that period, the principle of excluding the female line seems still to have prevailed, and to have directed the conduct of the nation. During the third race, the crown had descended from father to son for eleven generations, from Hugh Capet to Lewis Hutin; and thus, in fact, during the course of nine hundred years, the French monarchy had always been governed by males, and no female, and none who founded his title on a female, had ever mounted the throne. Philip the Fair, father of Lewis Hutin, left three sons, this Lewis, Philip the Long, and Charles the Fair, and one daughter, Isabella queen of England. Lewis Hutin, the eldest, left at his death one daughter, by Margaret sister to Eudes duke of Burgundy; and as his queen was then pregnant, Philip his younger brother was appointed regent, till it should appear whether the child proved a son or a daughter. The queen bore a male, who lived only a few days: Philip was proclaimed king: And as the duke of Burgundy made some opposition, and asserted the rights of his niece, the states of the kingdom, by a solemn and deliberate decree, gave her an exclusion, and declared all females for ever incapable of succeeding to the crown of France. Philip died after a short reign, leaving three daughters; and his brother Charles, without dispute or controversy, then succeeded to the crown. The reign of Charles was also short: He left one daughter; but as his queen was pregnant, the next male heir was appointed regent, with a declared right of succession,

cession, if the issue should prove female. This prince was Philip de Valois, cousin-german to the deceased king; being the son of Charles de Valois, brother of Philip the Fair. The queen of France was delivered of a daughter: The regency ended; and Philip de Valois was unanimously placed on the throne of France. CHAP. XV. 1337.

The king of England, who was at that time a youth of fifteen years of age, embraced a notion that he was intitled, in right of his mother, to the succession of the kingdom, and that the claim of the nephew was preferable to that of the cousin-german. There could not well be imagined a notion weaker or worse grounded. The principle of excluding females was of old an established opinion in France, and had acquired equal authority with the most express and positive law: It was supported by ancient precedents: It was confirmed by recent instances, solemnly and deliberately decided: And what placed it still farther beyond controversy, if Edward was disposed to question its validity, he thereby cut off his own pretensions; since the three last kings had all left daughters, who were still alive, and who stood before him in the order of succession. He was therefore reduced to assert, that, though his mother Isabella was, on account of her sex, incapable of succeeding, he himself, who inherited through her, was liable to no such objection, and might claim by the right of propinquity. But, besides that this pretension was more favourable to Charles king of Navarre, descended from the daughter of Lewis Hutin, it was so contrary to the established principles of succession in every country of Europe[b], was so repugnant to the practice, both in private and public inheritances, that nobody in France thought of Edward's claim: Philip's title was universally recognized[c]:

[b] Froissard, liv. i. chap. 4. [c] Id. liv. i. chap. 22.

And

CHAP. XV. 1337. And he never imagined that he had a competitor; much leſs ſo formidable a one as the king of England.

But though the youthful and ambitious mind of Edward had raſhly entertained this notion, he did not think proper to inſiſt on his pretenſions, which muſt have immediately involved him, on very unequal terms, in a dangerous and implacable war with ſo powerful a monarch. Philip was a prince of mature years, of great experience, and, at that time, of an eſtabliſhed character both for prudence and valour; and by theſe circumſtances, as well as by the internal union of his people, and their acquieſcence in his undoubted right, he poſſeſſed every advantage above a raw youth, newly raiſed, by injuſtice and violence, to the government of the moſt intractable and moſt turbulent ſubjects in Europe. But there immediately occurred an incident which required that Edward ſhould either openly declare his pretenſions, or for ever renounce and abjure them. He was ſummoned to do homage for Guienne: Philip was preparing to compel him by force of arms: That country was in a very bad ſtate of defence: And the forfeiture of ſo rich an inheritance was, by the feudal law, the immediate conſequence of his refuſing or declining to perform the duty of a vaſſal. Edward therefore thought it prudent to ſubmit to preſent neceſſity: He went over to Amiens: Did homage to Philip: And as there had ariſen ſome controverſy concerning the terms of this ſubmiſſion, he afterwards ſent over a formal deed, in which he acknowledged that he owed liege homage to France [d]; which was in effect ratifying, and that in the ſtrongeſt terms, Philip's title to the crown of that kingdom. His own claim indeed was ſo unreaſonable, and ſo thoroughly diſavowed

[d] Rymer, vol. iv. p. 477. 481. Froiſſard, liv. i. chap. 25. Anon. Hiſt. p. 394. Walſing. p. 130. Murimuth, p. 73.

by

by the whole French nation, that to insist on it was no better than pretending to the violent conquest of the kingdom; and it is probable that he would never have farther thought of it, had it not been for some incidents which excited an animosity between the monarchs. CHAP. XV. 1337.

Robert of Artois was descended from the blood royal of France, was a man of great character and authority, had espoused Philip's sister, and, by his birth, talents, and credit, was entitled to make the highest figure, and fill the most important offices, in the monarchy. This prince had lost the county of Artois, which he claimed as his birth-right, by a sentence, commonly deemed iniquitous, of Philip the Fair; and he was seduced to attempt recovering possession by an action so unworthy of his rank and character as a forgery [e]. The detection of this crime covered him with shame and confusion: His brother-in-law not only abandoned him, but prosecuted him with violence: Robert, incapable of bearing disgrace, left the kingdom, and hid himself in the Low Countries: Chased from that retreat, by the authority of Philip, he came over to England; in spite of the French king's menaces and remonstrances, he was favourably received by Edward [f]; and was soon admitted into the councils, and shared the confidence of that monarch. Abandoning himself to all the movements of rage and despair, he endeavoured to revive the prepossession entertained by Edward in favour of his title to the crown of France, and even flattered him, that it was not impossible for a prince of his valour and abilities to render his claim effectual. The king was the more disposed to hearken to suggestions of this nature, because he had, in several particulars, found reason to complain of Philip's conduct with regard to Guienne, and because that prince had

[e] Froissard, liv. i. chap. 29.
[f] Rymer, vol. iv. p. 747. Froissard, liv. i. chap. 27.

both

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both given protection to the exiled David Bruce, and supported, at least encouraged, the Scots in their struggles for independence. Thus resentment gradually filled the breasts of both monarchs, and made them incapable of hearkening to any terms of accommodation proposed by the pope, who never ceased interposing his good offices between them. Philip thought that he should be wanting to the first principles of policy if he abandoned Scotland: Edward affirmed, that he must relinquish all pretensions to generosity, if he withdrew his protection from Robert. The former, informed of some preparations for hostilities which had been made by his rival, issued a sentence of felony and attainder against Robert, and declared, that every vassal of the crown, whether *within* or *without* the kingdom, who gave countenance to that traitor, would be involved in the same sentence; a menace easy to be understood: The latter, resolute not to yield, endeavoured to form alliances in the Low Countries and on the frontiers of Germany, the only places from which he either could make an effectual attack upon France, or produce such a diversion as might save the province of Guienne, which lay so much exposed to the power of Philip.

Preparations for war with France.

THE king began with opening his intentions to the count of Hainault his father-in-law; and having engaged him in his interests, he employed the good offices and counsels of that prince in drawing into his alliance the other sovereigns of that neighbourhood. The duke of Brabant was induced, by his mediation, and by large remittances of money from England, to promise his concurrence [g]: The archbishop of Cologne, the duke of Gueldres, the marquis of Juliers, the count of Namur, the lords of Fauquemont and Baquen, were engaged by like motives to embrace the English alliance [h]. These

g Rymer, vol. iv. p. 777.
h Froissard, liv. iv. chap. 29, 33, 36.

sovereign

1337.

ſovereign princes could ſupply, either from their own ſtates or from the bordering countries, great numbers of warlike troops; and naught was wanting to make the force on that quarter very formidable but the acceſſion of Flanders; which Edward procured by means ſomewhat extraordinary and unuſual.

As the Flemings were the firſt people in the northern parts of Europe that cultivated arts and manufactures, the lower ranks of men among them had riſen to a degree of opulence unknown elſewhere to thoſe of their ſtation in that barbarous age; had acquired privileges and independence; and began to emerge from that ſtate of vaſſalage, or rather of ſlavery, into which the common people had been univerſally thrown by the feudal inſtitutions. It was probably difficult for them to bring their ſovereign and their nobility to conform themſelves to the principles of law and civil government, ſo much neglected in every other country: It was impoſſible for them to confine themſelves within the proper bounds in their oppoſition and reſentment againſt any inſtance of tyranny: They had riſen in tumults: Had inſulted the nobles: Had chaſed their earl into France: And delivering themſelves over to the guidance of a ſeditious leader, had been guilty of all that inſolence and diſorder, to which the thoughtleſs and enraged populace are ſo much inclined, wherever they are unfortunate enough to be their own maſters[i].

THEIR preſent leader was James d'Arteville, a brewer in Ghent, who governed them with a more abſolute ſway than had ever been aſſumed by any of their lawful ſovereigns: He placed and diſplaced the magiſtrates at pleaſure: He was accompanied by a guard, who, on the leaſt ſignal from him, inſtantly aſſaſſinated any man that happened to fall

i Froiſſard, liv. i. chap. 30. Meyerus.

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under his displeasure: All the cities of Flanders were full of his spies; and it was immediate death to give him the smallest umbrage: The few nobles who remained in the country, lived in continual terror from his violence: He seized the estates of all those whom he had either banished or murdered; and bestowing a part on their wives and children, converted the remainder to his own use[k]. Such were the first effects that Europe saw of popular violence; after having groaned, during so many ages, under monarchical and aristocratical tyranny.

JAMES D'ARTEVILLE was the man to whom Edward addressed himself for bringing over the Flemings to his interests; and that prince, the most haughty and most aspiring of the age, never courted any ally with so much assiduity and so many submissions, as he employed towards this seditious and criminal tradesman. D'Arteville, proud of these advances from the king of England, and sensible that the Flemings were naturally inclined to maintain connexions with the English, who furnished them the materials of their woollen manufactures, the chief source of their opulence, readily embraced the interests of Edward, and invited him over into the Low Countries. Edward, before he entered on this great enterprise, affected to consult his parliament, asked their advice, and obtained their consent[l]. And the more to strengthen his hands, he procured from them a grant of 20,000 sacks of wool; which might amount to about a hundred thousand pounds: This commodity was a good instrument to employ with the Flemings; and the price of it with his German allies. He completed the other necessary sums by loans, by pawning the crown jewels, by confiscating, or rather robbing at once all the Lombards, who now exercised the in-

k Froissard, liv. i. chap. 30. l Cotton's Abridg.

vidious

vidious trade formerly monopolised by the Jews, of lending on interest[m]; and being attended by a body of English forces, and by several of his nobility, he sailed over to Flanders. CHAP. XV.

THE German princes, in order to justify their unprovoked hostilities against France, had required the sanction of some legal authority; and Edward, that he might give them satisfaction on this head, had applied to Lewis of Bavaria, then emperor, and had been created by him *vicar of the empire*; an empty title, but which seemed to give him a right of commanding the service of the princes of Germany[n]. The Flemings, who were vassals of France, pretending like scruples with regard to the invasion of their liege lord; Edward, by the advice of d'Arteville, assumed, in his commissions, the title of king of France; and, in virtue of this right, claimed their assistance for dethroning Philip de Valois the usurper of his kingdom[o]. This step, which he feared would destroy all future amity between the kingdoms, and beget endless and implacable jealousies in France, was not taken by him without much reluctance and hesitation: And not being in itself very justifiable, it has in the issue been attended with many miseries to both kingdoms. From this period we may date the commencement of that great animosity, which the English nation have ever since borne to the French, which has so visible an influence on all future transactions, and which has been, and continues to be, the spring of many rash and precipitate resolutions among them. In all the preceding reigns since the Conquest, the hostilities between the two crowns had been only casual and temporary; and as they had never been attended with any bloody or dangerous event, the traces of them were easily obliterated by the first treaty of pacification. 1338.

[m] Dugd. Baron. vol. ii. p. 146.
[n] Froissard, liv. i. chap. 35.
[o] Heming. p. 303. Walsingham, p. 143.

The

CHAP. XV. 1338.

The English nobility and gentry valued themselves on their French or Norman extraction: They affected to employ the language of that country in all public transactions, and even in familiar conversation: And both the English court and camp being always full of nobles, who came from different provinces of France, the two people were, during some centuries, more intermingled together than any two distinct nations whom we meet with in history. But the fatal pretensions of Edward III. dissolved all these connexions, and left the seeds of great animosity in both countries, especially among the English. For it is remarkable, that this latter nation, though they were commonly the aggressors, and by their success and situation were enabled to commit the most cruel injuries on the other, have always retained a stronger tincture of national antipathy; nor is their hatred retaliated on them to an equal degree by the French. That country lies in the middle of Europe, has been successively engaged in hostilities with all its neighbours, the popular prejudices have been diverted into many channels, and, among a people of softer manners, they never rose to a great height against any particular nation.

Philip made great preparations against the attack from the English, and such as seemed more than sufficient to secure him from the danger. Besides the concurrence of all the nobility in his own populous and warlike kingdom, his foreign alliances were both more cordial and more powerful than those which were formed by his antagonist. The pope, who at this time lived at Avignon, was dependant on France, and being disgusted at the connexions between Edward and Lewis of Bavaria, whom he had excommunicated, he embraced with zeal and sincerity the cause of the French monarch. The king of Navarre, the duke of Britanny, the count of Bar, were in the same interests; and on the side of Germany, the king of Bohemia, the

Palatine, the dukes of Lorraine and Auftria, the bifhop of Liege, the counts of Deuxpont, Vaudemont, and Geneva. The allies of Edward were in themfelves weaker; and having no object but his money, which began to be exhaufted, they were flow in their motions, and irrefolute in their meafures. The duke of Brabant, the moft powerful among them, feemed even inclined to withdraw himfelf wholly from the alliance; and the king was neceffitated, both to give the Brabanters new privileges in trade, and to contract his fon Edward with the daughter of that prince, ere he could bring him to fulfil his engagements. The fummer was wafted in conferences and negociations before Edward could take the field; and he was obliged, in order to allure his German allies into his meafures, to pretend that the firft attack fhould be made upon Cambray, a city of the empire which had been garrifoned by Philip [p]. But finding, upon trial, the difficulty of the enterprife, he conducted them towards the frontiers of France; and he there faw, by a fenfible proof, the vanity of his expectations: The count of Namur, and even the count of Hainault, his brother-in-law (for the old count was dead), refufed to commence hoftilities againft their liege lord, and retired with their troops [q]. So little account did they make of Edward's pretenfions to the crown of France!

CHAP. XV. 1338. 1339.

War with France.

The king, however, entered the enemy's country, and encamped on the fields of Vironfoffe near Capelle, with an army of near 50,000 men, compofed almoft entirely of foreigners: Philip approached him with an army of near double the force, compofed chiefly of native fubjects; and it was daily expected that a battle would enfue. But the Englifh monarch was averfe to engage againft

p Froiffard, liv. i. chap. 39. Heming. p. 305.
q Froiffard, liv. i. chap. 39.

CHAP. XV. 1339.

so great a superiority: The French thought it sufficient if he eluded the attacks of his enemy, without running any unnecessary hazard. The two armies faced each other for some days: Mutual defiances were sent: And Edward, at last, retired into Flanders, and disbanded his army [r].

SUCH was the fruitless and almost ridiculous conclusion of Edward's mighty preparations; and, as his measures were the most prudent that could be embraced in his situation, he might learn from experience in what a hopeless enterprise he was engaged. His expences, though they had led to no end, had been consuming and destructive: He had contracted near 300,000 pounds of debt [s]; he had anticipated all his revenue; he had pawned every thing of value which belonged either to himself or his queen; he was obliged, in some measure, even to pawn himself to his creditors, by not sailing to England till he obtained their permission, and by promising, on his word of honour, to return in person, if he did not remit their money.

BUT he was a prince of too much spirit to be discouraged by the first difficulties of an undertaking; and he was anxious to retrieve his honour by more successful and more gallant enterprises. For this purpose he had, during the course of the campaign, sent orders to summon a parliament by his son Edward, whom he had left with the title of guardian, and to demand some supply in his urgent necessities. The barons seemed inclined to grant his request; but the knights, who often, at this time, acted as a separate body from the burgesses, made some scruple of taxing the constituents without their consent; and they desired the guardian to summon a new parliament, which might be properly impowered for that purpose. The situation

[r] Froissard, liv. i. chap. 41, 42, 43. Heming. p. 307. Walsing. p. 143. [s] Cotton's Abridg. p. 17.

of

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of the king and parliament was for the time nearly similar to that which they conſtantly fell into about the beginning of the laſt century; and ſimilar conſequences began viſibly to appear. The king, ſenſible of the frequent demands which he ſhould be obliged to make on his people, had been anxious to enſure to his friends a ſeat in the houſe of commons, and at his inſtigation the ſheriffs and other placemen had made intereſt to be elected into that aſſembly; an abuſe which the knights deſired the king to correct by the tenor of his writ of ſummons, and which was accordingly remedied. On the other hand, the knights had profeſſedly annexed conditions to their intended grant, and required a conſiderable retrenchment of the royal prerogatives, particularly with regard to purveyance, and the levying of the ancient feudal aids for knighting the king's eldeſt ſon, and marrying his eldeſt daughter. The new parliament called by the guardian retained the ſame free ſpirit; and though they offered a large ſupply of 30,000 ſacks of wool, no buſineſs was concluded; becauſe the conditions which they annexed appeared too high to be compenſated by a temporary conceſſion. But when Edward himſelf came over to England he ſummoned another parliament, and he had the intereſt to procure a ſupply on more moderate terms. A confirmation of the two charters, and of the privileges of boroughs, a pardon for old debts and treſpaſſes, and a remedy for ſome abuſes in the execution of common law, were the chief conditions inſiſted on; and the king, in return for his conceſſions on theſe heads, obtained from the barons and knights an unuſual grant for two years, of the ninth ſheaf, lamb, and fleece on their eſtates; and from the burgeſſes a ninth of their moveables at their true value. The whole parliament alſo granted a duty of forty ſhillings on each ſack of wool exported, on each three hundred woolfells, and on each laſt of leather for the ſame term

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1339. of years; but dreading the arbitrary ſpirit of the crown, they expreſsly declared that this grant was to continue no longer, and was not to be drawn into precedent. Being ſoon after ſenſible that this ſupply, though conſiderable and very unuſual in that age, would come in ſlowly, and would not anſwer the king's urgent neceſſities, proceeding both from his debts and his preparations for war; they agreed that 20,000 ſacks of wool ſhould immediately be granted him, and their value be deducted from the ninths which were afterwards to be levied.

But there appeared at this time another jealouſy in the parliament which was very reaſonable, and was founded on a ſentiment that ought to have engaged them rather to check than ſupport the king in all thoſe ambitious projects ſo little likely to prove ſucceſsful, and ſo dangerous to the nation if they did. Edward, who, before the commencement of the former campaign, had in ſeveral commiſſions aſſumed the title of king of France, now more openly in all public deeds gave himſelf that appellation, and always quartered the arms of France with thoſe of England in his ſeals and enſigns. The parliament thought proper to obviate the conſequences of this meaſure, and to declare that they owed him no obedience as king of France, and that the two kingdoms muſt for ever remain diſtinct and independent[t]. They undoubtedly foreſaw that France, if ſubdued, would in the end prove the ſeat of government; and they deemed this previous proteſtation neceſſary, in order to prevent their becoming a province to that monarchy. A frail ſecurity, if the event had really taken place!

1340. As Philip was appriſed, from the preparations which were making both in England and the Low Countries, that he muſt expect another invaſion from Edward, he fitted out a great fleet of 400

[t] 14 Edward III.

vеſſels,

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1340. Naval victory. 13th June.

vessels, manned with 40,000 men; and he stationed them off Sluise, with a view of intercepting the king in his passage. The English navy was much inferior in number, consisting only of 240 sail; but whether it were by the superior abilities of Edward, or the greater dexterity of his seamen, they gained the wind of the enemy, and had the sun in their backs; and with these advantages began the action. The battle was fierce and bloody: The English archers, whose force and address were now much celebrated, galled the French on their approach: And when the ships grappled together, and the contest became more steady and furious, the example of the king, and of so many gallant nobles who accompanied him, animated to such a degree the seamen and soldiery, that they maintained every where a superiority over the enemy. The French also had been guilty of some imprudence in taking their station so near the coast of Flanders, and chusing that place for the scene of action. The Flemings, descrying the battle, hurried out of their harbours, and brought a re-inforcement to the English; which coming unexpectedly, had a greater effect than in proportion to its power and numbers. Two hundred and thirty French ships were taken: Thirty thousand Frenchmen were killed, with two of their admirals: The loss of the English was inconsiderable, compared to the greatness and importance of the victory [u]. None of Philip's courtiers, it is said, dared to inform him of the event; till his fool or jester gave him a hint, by which he discovered the loss that he had sustained [w].

THE lustre of this great success increased the king's authority among his allies, who assembled their forces with expedition, and joined the English army. Edward marched to the frontiers of France,

[u] Froissard, liv. i. chap. 51. Avesbury, p. 56. Heming. p. 321.
[w] Walsing. p. 148.

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at the head of above 100,000 men, conſiſting chiefly of foreigners, a more numerous army than either before or ſince has ever been commanded by any king of England [x]. At the ſame time the Flemings, to the number of 50,000 men, marched out under the command of Robert of Artois, and laid ſiege to St. Omer; but this tumultuary army, compoſed entirely of tradeſmen unexperienced in war, was routed by a ſally of the garriſon, and notwithſtanding the abilities of their leader, was thrown into ſuch a panic, that they were inſtantly diſperſed, and never more appeared in the field. The enterpriſes of Edward, though not attended with ſo inglorious an iſſue, proved equally vain and fruitleſs. The king of France had aſſembled an army more numerous than the Engliſh; was accompanied by all the chief nobility of his kingdom; was attended by many foreign princes, and even by three monarchs, the kings of Bohemia, Scotland, and Navarre [y]: Yet he ſtill adhered to the prudent reſolution of putting nothing to hazard, and after throwing ſtrong garriſons into all the frontier towns, he retired backwards, perſuaded that the enemy, having waſted their force in ſome tedious and unſucceſsful enterpriſe, would afford him an eaſy victory.

Tournay was at that time one of the moſt conſiderable cities of Flanders, containing above 60,000 inhabitants of all ages, who were affectionate to the French government; and as the ſecret of Edward's deſigns had not been ſtrictly kept, Philip learned that the Engliſh, in order to gratify their Flemiſh allies, had intended to open the campaign with the ſiege of this place: He took care, therefore, to ſupply it with a garriſon of 14,000 men, commanded by the braveſt nobility of France; and he reaſonably expected that theſe forces, joined to the

[x] Rymer, vol. v. p. 197. [y] Froiſſard, liv. i. chap. 57.

inha-

inhabitants, would be able to defend the city against all the efforts of the enemy. Accordingly Edward, when he commenced the siege, about the end of July, found every where an obstinate resistance: The valour of one side was encountered with equal valour by the other: Every assault was repulsed, and proved unsuccessful: And the king was at last obliged to turn the siege into a blockade, in hopes that the great numbers of the garrison and citizens, which had enabled them to defend themselves against his attacks, would but expose them to be the more easily reduced by famine[z]. The count of Eu, who commanded in Tournay, as soon as he perceived that the English had formed this plan of operations, endeavoured to save his provisions, by expelling all the useless mouths; and the duke of Brabant, who wished no success to Edward's enterprises, gave every one a free passage through his quarters. CHAP. XV. 1340.

AFTER the siege had continued ten weeks, the city was reduced to distress; and Philip, recalling all his scattered garrisons, advanced towards the English camp, at the head of a mighty army, with an intention of still avoiding any decisive action, but of seeking some opportunity for throwing relief into the place. Here Edward, irritated with the small progress he had hitherto made, and with the disagreeable prospect that lay before him, sent Philip a defiance by a herald; and challenged him to decide their claims for the crown of France, either by single combat, or by an action of a hundred against a hundred, or by a general engagement. But Philip replied, that Edward having done homage to him for the dutchy of Guienne, and having solemnly acknowledged him for his superior, it by no means became him to send a defiance to his liege lord and sovereign: That he was confident, notwithstanding

z Froissard, liv. i. chap. 54.

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all Edward's preparations, and his conjunction with the rebellious Flemings, he himself should soon be able to chase him from the frontiers of France: That as the hostilities from England had prevented him from executing his purposed crusade against the infidels, he trusted in the assistance of the Almighty, who would reward his pious intentions, and punish the aggressor, whose ill-grounded claims had rendered them abortive: That Edward proposed a duel on very unequal terms, and offered to hazard only his own person against both the kingdom of France, and the person of the king: But that if he would increase the stake, and put also the kingdom of England on the issue of the duel, he would, notwithstanding that the terms would still be unequal, very willingly accept of the challenge[a]. It was easy to see that these mutual bravadoes were intended only to dazzle the populace, and that the two kings were too wise to think of executing their pretended purpose.

While the French and English armies lay in this situation, and a general action was every day expected, Jane, countess dowager of Hainault, interposed with her good offices, and endeavoured to conciliate peace between the contending monarchs, and to prevent any farther effusion of blood. This princess was mother-in-law to Edward, and sister to Philip; and though she had taken the vows in a convent, and had renounced the world, she left her retreat on this occasion, and employed all her pious efforts to allay those animosities which had taken place between persons so nearly related to her and to each other. As Philip had no material claims on his antagonist, she found that he hearkened willingly to the proposals; and even the haughty and ambitious Edward, convinced of his fruitless at-

[a] Du Tillet, Recueil de Traitez, &c. Heming. p. 325, 326. Walsing. p. 149.

tempt,

tempt, was not averſe to her negotiation. He was ſenſible, from experience, that he had engaged in an enterpriſe which far exceeded his force; and that the power of England was never likely to prevail over that of a ſuperior kingdom, firmly united under an able and prudent monarch. He diſcovered that all the allies whom he could gain by negotiation were at bottom averſe to his enterpriſe; and though they might ſecond it to a certain length, would immediately detach themſelves, and oppoſe its final accompliſhment, if ever they could be brought to think that there was ſeriouſly any danger of it. He even ſaw that their chief purpoſe was to obtain money from him; and as his ſupplies from England came in very ſlowly, and had much diſappointed his expectations, he perceived their growing indifference in his cauſe, and their deſire of embracing all plauſible terms of accommodation. Convinced at laſt that an undertaking muſt be imprudent which could only be ſupported by means ſo unequal to the end, he concluded a truce, which left both parties in poſſeſſion of their preſent acquiſitions, and ſtopped all farther hoſtilities on the ſide of the Low Countries, Guienne, and Scotland, till midſummer next [b]. A negotiation was ſoon after opened at Arras, under the mediation of the pope's legates; and the truce was attempted to be converted into a ſolid peace. Edward here required that Philip ſhould free Guienne from all claims of ſuperiority, and entirely withdraw his protection from Scotland: But as he ſeemed not anywiſe entitled to make ſuch high demands, either from his paſt ſucceſſes, or future proſpects, they were totally rejected by Philip, who agreed only to a prolongation of the truce.

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The king of France ſoon after detached the emperor Lewis from the alliance of England, and en-

[b] Froiſſard, liv. i. chap. 64. Aveſbury, p. 65.

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gaged him to revoke the title of Imperial Vicar, which he had conferred on Edward[c]. The king's other allies on the frontiers of France, disappointed in their hopes, gradually withdrew from the confederacy. And Edward himself, harassed by his numerous and importunate creditors, was obliged to make his escape by stealth into England.

Domestic disturbances.

THE unusual tax of a ninth sheaf, lamb, and fleece, imposed by parliament, together with the great want of money, and still more, of credit in England, had rendered the remittances to Flanders extremely backward; nor could it be expected that any expeditious method of collecting an imposition, which was so new in itself, and which yielded only a gradual produce, could possibly be contrived by the king or his ministers. And though the parliament, foreseeing the inconvenience, had granted, as a present resource, 20,000 sacks of wool, the only English goods that bore a sure price in foreign markets, and were the next to ready money; it was impossible but the getting possession of such a bulky commodity, the gathering it from different parts of the kingdom, and the disposing of it abroad, must take up more time than the urgency of the king's affairs would permit, and must occasion all the disappointments complained of during the course of the campaign. But though nothing had happened which Edward might not reasonably have foreseen, he was so irritated with the unfortunate issue of his military operations, and so much vexed and affronted by his foreign creditors, that he was determined to throw the blame somewhere off himself, and he came in very bad humour into England. He discovered his peevish disposition by the first act which he performed after his arrival: As he landed unexpectedly, he found the Tower negligently guarded; and he immediately committed to prison the constable, and all others who had the charge of

[c] Heming. p. 352. Ypod. Neust. p. 514. Knyghton, p. 2580.

that

that fortress, and he treated them with unusual rigour[d]. His vengeance fell next on the officers of the revenue, the sheriffs, the collectors of the taxes, the undertakers of all kinds; and besides dismissing all of them from their employments, he appointed commissioners to inquire into their conduct; and these men, in order to gratify the king's humour, were sure not to find any person innocent who came before them[e]. Sir John St. Paul keeper of the privy seal, sir John Stonore chief justice, Andrew Aubrey mayor of London, were displaced and imprisoned; as were also the bishop of Chichester chancellor, and the bishop of Litchfield treasurer. Stratford archbishop of Canterbury, to whom the charge of collecting the new taxes had been chiefly entrusted, fell likewise under the king's displeasure; but being absent at the time of Edward's arrival, he escaped feeling the immediate effects of it.

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1340.

THERE were strong reasons which might discourage the kings of England in those ages from bestowing the chief offices of the crown on prelates and other ecclesiastical persons. These men had so intrenched themselves in privileges and immunities, and so openly challenged an exemption from all secular jurisdiction, that no civil penalty could be inflicted on them for any malversation in office; and as even treason itself was declared to be no canonical offence, nor was allowed to be a sufficient reason for deprivation or other spiritual censures, that order of men had ensured to themselves an almost total impunity, and were not bound by any political law or statute. But, on the other hand, there were many peculiar causes which favoured their promotion. Besides that they possessed almost all the learning of the age, and were best qualified for civil employments; the prelates enjoyed equal dignity with the greatest barons, and gave weight, by their personal authority,

[d] Ypod. Neust. p. 513.
[e] Avesbury, p. 70. Heming. p. 326. Walsing. p. 150.

to

CHAP. XV. 1340. to the powers entrusted with them: While at the same time they did not endanger the crown, by accumulating wealth or influence in their families, and were restrained, by the decency of their character, from that open rapine and violence so often practised by the nobles. These motives had induced Edward, as well as many of his predecessors, to entrust the chief departments of government in the hands of ecclesiastics, at the hazard of seeing them disown his authority as soon as it was turned against them.

1341. THIS was the case with archbishop Stratford. That prelate, informed of Edward's indignation against him, prepared himself for the storm; and not content with standing upon the defensive, he resolved, by beginning the attack, to show the king that he knew the privileges of his character, and had courage to maintain them. He issued a general sentence of excommunication against all who on any pretext exercised violence on the person or goods of clergymen; who infringed those privileges secured by the great charter, and by ecclesiastical canons; or who accused a prelate of treason, or any other crime, in order to bring him under the king's displeasure[f]. Even Edward had reason to think himself struck at by this sentence; both on account of the imprisonment of the two bishops and that of other clergymen concerned in levying the taxes, and on account of his seizing their lands and moveables, that he might make them answerable for any balance which remained in their hands. The clergy, with the primate at their head, were now formed into a regular combination against the king; and many calumnies were spread against him, in order to deprive him of the confidence and affections of his people. It was pretended that he meant to recal the general pardon, and the remission which he

[f] Heming. p. 339. Ang. Sacra, vol. i. p. 21, 22. Walsingham, p. 153.

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had granted of old debts, and to impose new and arbitrary taxes without consent of parliament. The archbishop went so far, in a letter to the king himself, as to tell him that there were two powers by which the world was governed, the holy pontifical apostolic dignity, and the royal subordinate authority: That of these two powers the clerical was evidently the supreme; since the priests were to answer at the tribunal of the divine judgment for the conduct of kings themselves: That the clergy were the spiritual fathers of all the faithful, and amongst others of kings and princes; and were entitled, by a heavenly charter, to direct their wills and actions, and to censure their transgressions: And that prelates had heretofore cited emperors before their tribunal, had sitten in judgment on their life and behaviour, and had anathematized them for their obstinate offences[g]. These topics were not well calculated to appease Edward's indignation; and when he called a parliament he sent not to the primate, as to the other peers, a summons to attend it. Stratford was not discouraged at this mark of neglect or anger: He appeared before the gates, arrayed in his pontifical robes, holding the crosier in his hand, and accompanied by a pompous train of priests and prelates; and he required admittance as the first and highest peer in the realm. During two days the king rejected his application: But sensible either that this affair might be attended with dangerous consequences, or that in his impatience he had groundlessly accused the primate of malversation in his office, which seems really to have been the case, he at last permitted him to take his seat, and was reconciled to him[h].

Edward now found himself in a bad situation both with his own people and with foreign states; and it required all his genius and capacity to extri-

[g] Anglia Sacra, vol. i. p. 27. [h] Ibid. p. 38, 39, 40, 41.

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cate himſelf from ſuch multiplied difficulties and embarraſſments. His unjuſt and exorbitant claims on France and Scotland had engaged him in an implacable war with theſe two kingdoms, his neareſt neighbours: He had loſt almoſt all his foreign alliances by his irregular payments: He was deeply involved in debts, for which he owed a conſuming intereſt: His military operations had vaniſhed into ſmoke; and except his naval victory, none of them had been attended even with glory or renown, either to himſelf or to the nation: The animoſity between him and the clergy was open and declared: The people were diſcontented on account of many arbitrary meaſures in which he had been engaged: And, what was more dangerous, the nobility, taking advantage of his preſent neceſſities, were determined to retrench his power, and by encroaching on the ancient prerogatives of the crown, to acquire to themſelves independence and authority. But the aſpiring genius of Edward, which had ſo far tranſported him beyond the bounds of diſcretion, proved at laſt ſufficient to reinſtate him in his former authority, and finally, to render his reign the moſt triumphant that is to be met with in Engliſh ſtory: Though for the preſent he was obliged, with ſome loſs of honour, to yield to the current which bore ſo ſtrongly againſt him.

The parliament framed an act, which was likely to produce conſiderable innovations in the government. They premiſed, that whereas the great charter had, to the manifeſt peril and ſlander of the king, and damage of his people, been violated in many points, particularly by the impriſoment of free men, and the ſeizure of their goods, without ſuit, indictment, or trial, it was neceſſary to confirm it anew, and to oblige all the chief officers of the law, together with the ſteward and chamberlain of the houſehold, the keeper of the privy-ſeal, the controller and treaſurer of the wardrobe, and thoſe who

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who were entrusted with the education of the young prince, to swear to the regular observance of it. They also remarked, that the peers of the realm had formerly been arrested and imprisoned, and dispossessed of their temporalties and lands, and even some of them put to death, without judgment or trial; and they therefore enacted that such violences should henceforth cease, and no peer be punished but by the award of his peers *in parliament*. They required, that whenever any of the great offices above mentioned became vacant, the king should fill it by the advice of his council, and the consent of such barons as should at that time be found to reside in the neighbourhood of the court. And they enacted, that on the third day of every session, the king should resume into his own hand all these offices, except those of justices of the two benches, and the barons of exchequer; that the ministers should for the time be reduced to private persons; that they should in that condition answer before parliament to any accusation brought against them; and that, if they were found anywise guilty, they should finally be dispossessed of their offices, and more able persons be substituted in their place [i]. By these last regulations the barons approached as near as they durst to those restrictions which had formerly been imposed on Henry III. and Edward II. and which, from the dangerous consequences attending them, had become so generally odious, that they did not expect to have either the concurrence of the people in demanding them, or the assent of the present king in granting them.

In return for these important concessions, the parliament offered the king a grant of 20,000 sacks of wool; and his wants were so urgent, from the clamours of his creditors, and the demands of his foreign allies, that he was obliged to accept of the

i 15 Edward III.

supply

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supply on these hard conditions. He ratified this statute in full parliament; but he *secretly* entered a protest of such a nature as were sufficient, one should imagine, to destroy all future trust and confidence with his people: He declared, that as soon as his convenience permitted, he would, from his own authority, revoke what had been extorted from him[k]. Accordingly, he was no sooner possessed of the parliamentary supply, than he issued an edict, which contains many extraordinary positions and pretensions. He first asserts, that that statute had been enacted contrary to law; as if a free legislative body could ever do any thing illegal. He next affirms, that as it was hurtful to the prerogatives of the crown, which he had sworn to defend, he had only dissembled when he seemed to ratify it, but that he had never in his own breast given his assent to it. He does not pretend that either he or the parliament lay under force; but only that some inconvenience would have ensued, had he not seemingly affixed his sanction to that pretended statute. He therefore, with the advice of his council, and of *some* earls and barons, abrogates and annuls it; and though he professes himself willing and determined to observe such articles of it as were formerly law, he declares it to have thenceforth no force or authority[l]. The parliaments that were afterwards assembled took no notice of this arbitrary exertion of royal power, which, by a parity of reason, left all their laws at the mercy of the king; and, during the course of two years, Edward had so far re-established his influence, and freed himself from his present necessities, that he then obtained from his

[k] Statutes at Large, 15 Edw. III. That this protest of the king's was *secret*, appears evidently, since otherwise it would have been ridiculous in the parliament to have accepted of his assent: Besides, the king owns that he *dissembled*, which would not have been the case had his protest been public.

[l] Statutes at Large, 15 Edw. III.

parlia-

parliament a legal repeal of the obnoxious ſtatute [m]. This tranſaction certainly contains remarkable circumſtances, which diſcover the manners and ſentiments of the age; and may prove what inaccurate work might be expected from ſuch rude hands, when employed in legiſlation, and in rearing the delicate fabric of laws and a conſtitution. CHAP. XV. 1341.

But though Edward had happily recovered his authority at home, which had been impaired by the events of the French war, he had undergone ſo many mortifications from that attempt, and ſaw ſo little proſpect of ſucceſs, that he would probably have dropped his claim, had not a revolution in Britanny opened to him more promiſing views, and given his enterpriſing genius a full opportunity of diſplaying itſelf.

Affairs of Britanny.

John III. duke of Britanny had, during ſome years, found himſelf declining through age and infirmities; and having no iſſue, he was ſolicitous to prevent thoſe diſorders to which, on the event of his demiſe, a diſputed ſucceſſion might expoſe his ſubjects. His younger brother, the count of Penthievre, had left only one daughter, whom the duke deemed his heir; and as his family had inherited the dutchy by a female ſucceſſion, he thought her title preferable to that of the count of Mountfort, who, being his brother by a ſecond marriage, was the male heir of that principality [n]. He accordingly purpoſed to beſtow his niece in marriage on ſome perſon who might be able to defend her rights; and he caſt his eye on Charles of Blois, nephew of the king of France, by his mother Margaret of Valois, ſiſter to that monarch. But as he both loved his ſubjects, and was beloved by them, he determined not to take this important ſtep without their approbation; and having aſſembled the ſtates of Britanny,

[m] Cotton's Abridgm. p. 38, 39. [n] Froiſſard, liv. i. chap. 64.

CHAP. XV. 1341. he repreſented to them the advantages of that alliance, and the proſpect which it gave of an entire ſettlement of the ſucceſſion. The Bretons willingly concurred in his choice: The marriage was concluded: All his vaſſals, and among the reſt the count of Mountfort, ſwore fealty to Charles and to his conſort as to their future ſovereigns: And every danger of civil commotions ſeemed to be obviated, as far as human prudence could provide a remedy againſt them.

But on the death of this good prince, the ambition of the count of Mountfort broke through all theſe regulations, and kindled a war, not only dangerous to Britanny, but to a great part of Europe. While Charles of Blois was ſoliciting at the court of France the inveſtiture of the dutchy, Mountfort was active in acquiring immediate poſſeſſion of it; and by force or intrigue he made himſelf maſter of Rennes, Nantz, Breſt, Hennebonne, and all the moſt important fortreſſes, and engaged many conſiderable barons to acknowledge his authority[o]. Senſible that he could expect no favour from Philip, he made a voyage to England, on pretence of ſoliciting his claim to the earldom of Richmond, which had devolved to him by his brother's death; and there, offering to do homage to Edward as king of France, for the dutchy of Britanny, he propoſed a ſtrict alliance for the ſupport of their mutual pretenſions. Edward ſaw immediately the advantages attending this treaty: Mountfort, an active and valiant prince, cloſely united to him by intereſt, opened at once an entrance into the heart of France, and afforded him much more flattering views than his allies on the ſide of Germany and the Low Countries, who had no ſincere attachment to his cauſe, and whoſe progreſs was alſo obſtructed by thoſe numerous fortifications which had been raiſed on that

[o] Froiſſard, liv. i. chap. 65, 66, 67, 68.

frontier.

frontier. Robert of Artois was zealous in enforcing these considerations: The ambitious spirit of Edward was little disposed to sit down under those repulses which he had received, and which he thought had so much impaired his reputation: And it required a very short negotiation to conclude a treaty of alliance between two men who, though their pleas with regard to the preference of male or female succession were directly opposite, were intimately connected by their immediate interests [p].

1341. Renewal of the war with France.

As this treaty was still a secret, Mountfort on his return ventured to appear at Paris, in order to defend his cause before the court of peers; but observing Philip and his judges to be prepossessed against his title, and dreading their intentions of arresting him, till he should restore what he had seized by violence, he suddenly made his escape; and war immediately commenced between him and Charles of Blois [q]. Philip sent his eldest son, the duke of Normandy, with a powerful army, to the assistance of the latter; and Mountfort, unable to keep the field against his rival, remained in the city of Nantz, where he was besieged. The city was taken by the treachery of the inhabitants; Mountfort fell into the hands of his enemies; was conducted as a prisoner to Paris; and was shut up in the tower of the Louvre [r].

1342.

This event seemed to put an end to the pretensions of the count of Mountfort; but his affairs were immediately retrieved by an unexpected incident, which inspired new life and vigour into his party. Jane of Flanders, countess of Mountfort, the most extraordinary woman of the age, was roused, by the captivity of her husband, from those domestic cares to which she had hitherto limited her genius; and she courageously undertook to support the

[p] Froissard, liv. i. chap. 69. [q] Ibid. chap. 70, 71.
[r] Ibid. chap. 73.

CHAP. XV. 1342.

falling fortunes of her family. No ſooner did ſhe receive the fatal intelligence, than ſhe aſſembled the inhabitants of Rennes, where ſhe then reſided; and carrying her infant ſon in her arms, deplored to them the calamity of their ſovereign. She recommended to their care the illuſtrious orphan, the ſole male remaining of their ancient princes, who had governed them with ſuch indulgence and lenity, and to whom they had ever profeſſed the moſt zealous attachment. She declared herſelf willing to run all hazards with them in ſo juſt a cauſe; diſcovered the reſources which ſtill remained in the alliance of England; and entreated them to make one effort againſt an uſurper who, being impoſed on them by the arms of France, would in return make a ſacrifice to his protector of the ancient liberties of Britanny. The audience, moved by the affecting appearance, and inſpirited by the noble conduct of the princeſs, vowed to live and die with her in defending the rights of her family: All the other fortreſſes of Britanny embraced the ſame reſolution: The counteſs went from place to place, encouraging the garriſons, providing them with every thing neceſſary for ſubſiſtence, and concerting the proper plans of defence; and after ſhe had put the whole province in a good poſture, ſhe ſhut herſelf up in Hennebonne, where ſhe waited with impatience the arrival of thoſe ſuccours which Edward had promiſed her. Meanwhile ſhe ſent over her ſon to England, that ſhe might both put him in a place of ſafety, and engage the king more ſtrongly, by ſuch a pledge, to embrace with zeal the intereſts of her family.

Charles of Blois, anxious to make himſelf maſter of ſo important a fortreſs as Hennebonne, and ſtill more to take the counteſs priſoner, from whoſe vigour and capacity all the difficulties to his ſucceſſion in Britanny now proceeded, ſat down before the place with a great army, compoſed of French,

Spaniards,

1342.

Spaniards, Genoese, and some Bretons; and he conducted the attack with indefatigable industry[s]. The defence was no less vigorous: The besiegers were repulsed in every assault: Frequent sallies were made with success by the garrison: And the countess herself being the most forward in all military operations, every one was ashamed not to exert himself to the utmost in this desperate situation. One day she perceived that the besiegers, entirely occupied in an attack, had neglected a distant quarter of their camp; and she immediately sallied forth at the head of a body of 200 cavalry, threw them into confusion, did great execution upon them, and set fire to their tents, baggage, and magazines: But when she was preparing to return, she found that she was intercepted, and that a considerable body of the enemy had thrown themselves between her and the gates. She instantly took her resolution: She ordered her men to disband, and to make the best of their way by flight to Brest: She met them at the appointed place of rendezvous, collected another body of 500 horse, returned to Hennebonne, broke unexpectedly through the enemy's camp, and was received with shouts and acclamations by the garrison, who, encouraged by this reinforcement, and by so rare an example of female valour, determined to defend themselves to the last extremity.

The reiterated attacks, however, of the besiegers had at length made several breaches in the walls; and it was apprehended that a general assault, which was every hour expected, would overpower the garrison, diminished in numbers, and extremely weakened with watching and fatigue. It became necessary to treat of a capitulation; and the bishop of Leon was already engaged, for that purpose, in a conference with Charles of Blois; when the countess, who had mounted to a high tower, and was

[s] Froissard, liv. i. chap. 81.

 looking

CHAP. XV. 1342.

looking towards the sea with great impatience, descried some sails at a distance. She immediately exclaimed: *Behold the succours! the English succours! No capitulation*[t]! This fleet had on board a body of heavy-armed cavalry, and six thousand archers, whom Edward had prepared for the relief of Hennebonne, but who had been long detained by contrary winds. They entered the harbour under the command of sir Walter Manny, one of the bravest captains of England; and having inspired fresh courage into the garrison, immediately sallied forth, beat the besiegers from all their posts, and obliged them to decamp.

But notwithstanding this success, the countess of Mountfort found that her party, overpowered by numbers, was declining in every quarter; and she went over to solicit more effectual succours from the king of England. Edward granted her a considerable reinforcement under Robert of Artois; who embarked on board a fleet of forty-five ships, and sailed to Britanny. He was met in his passage by the enemy; an action ensued, where the countess behaved with her wonted valour, and charged the enemy sword in hand; but the hostile fleets, after a sharp action, were separated by a storm, and the English arrived safely in Britanny. The first exploit of Robert was the taking of Vannes, which he mastered by conduct and address[u]: But he survived a very little time this prosperity. The Breton noblemen of the party of Charles assembled secretly in arms, attacked Vannes of a sudden, and carried the place; chiefly by reason of a wound received by Robert, of which he soon after died at sea on his return to England[w].

After the death of this unfortunate prince, the chief author of all the calamities with which his

[t] Froissard, liv. i. chap. 81. [u] Ibid. chap. 93.
[w] Ibid. chap. 94.

country was overwhelmed for more than a century, Edward undertook in perſon the defence of the counteſs of Mountfort; and as the laſt truce with France was now expired, the war, which the Engliſh and French had hitherto carried on as allies to the competitors for Britanny, was thenceforth conducted in the name and under the ſtandard of the two monarchs. The king landed at Morbian, near Vannes, with an army of 12,000 men; and, being maſter of the field, he endeavoured to give a luſtre to his arms, by commencing at once three important ſieges, that of Vannes, of Rennes, and of Nantz. But by undertaking too much, he failed of ſucceſs in all his enterpriſes. Even the ſiege of Vannes, which Edward in perſon conducted with vigour, advanced but ſlowly [x]; and the French had all the leiſure requiſite for making preparations againſt him. The duke of Normandy, eldeſt ſon of Philip, appeared in Britanny, at the head of an army of 30,000 infantry and 400 cavalry; and Edward was now obliged to draw together all his forces, and to entrench himſelf ſtrongly before Vannes, where the duke of Normandy ſoon after arrived, and in a manner inveſted the beſiegers. The garriſon and the French camp were plentifully ſupplied with proviſions; while the Engliſh, who durſt not make any attempt upon the place in the preſence of a ſuperior army, drew all their ſubſiſtence from England, expoſed to the hazards of the ſea, and ſometimes to thoſe which aroſe from the fleet of the enemy. In this dangerous ſituation, Edward willingly hearkened to the mediation of the pope's legates, the cardinals of Paleſtine and Freſcati, who endeavoured to negotiate, if not a peace, at leaſt a truce between the two kingdoms. A treaty was concluded for a ceſſation of arms during three years [y]; and Edward had the abilities, notwithſtanding his

1342. 1343.

x Froiſſard, liv. i. chap. 95.

y Ibid. chap. 99. Aveſbury, p. 102.

 preſent

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present dangerous situation, to procure to himself very equal and honourable terms. It was agreed that Vannes should be sequestered, during the truce, in the hands of the legates, to be disposed of afterwards as they pleased; and though Edward knew the partiality of the court of Rome towards his antagonists, he saved himself, by this device, from the dishonour of having undertaken a fruitless enterprise. It was also stipulated, that all prisoners should be released, that the places in Britanny should remain in the hands of the present possessors, and that the allies on both sides should be comprehended in the truce[z]. Edward, soon after concluding this treaty, embarked with his army for England.

The truce, though calculated for a long time, was of very short duration; and each monarch endeavoured to throw on the other the blame of its infraction. Of course the historians of the two countries differ in their account of the matter. It seems probable, however, as is affirmed by the French writers, that Edward, in consenting to the truce, had no other view than to extricate himself from a perilous situation into which he had fallen, and was afterwards very careless in observing it. In all the memorials which remain on this subject, he complains chiefly of the punishment inflicted on Oliver de Clisson, John de Montauban, and other Breton noblemen, who he says were partisans of the family of Mountfort, and consequently under the protection of England[a]. But it appears, that at the conclusion of the truce, those noblemen had openly, by their declarations and actions, embraced the cause of Charles of Blois[b]; and if they had entered into any secret correspondence and engagements with Edward, they were traitors to their party, and were justly punishable by Philip and Charles for their breach of faith; nor had Edward any ground of

[z] Heming, p. 359.

[a] Rymer, vol. v. p. 453, 454. 459. 466. 496. Heming. p. 376.

[b] Froissard, liv. i. chap. 96. p. 100.

complaint

complaint againſt France for ſuch ſeverities. But when he laid theſe pretended injuries before the parliament, whom he affected to conſult on all occaſions, that aſſembly entered into the quarrel, adviſed the king not to be amuſed by a fraudulent truce, and granted him ſupplies for the renewal of the war: The counties were charged with a fifteenth for two years, and the boroughs with a tenth. The clergy conſented to give a tenth for three years. 1344.

THESE ſupplies enabled the king to complete his military preparations; and he ſent his couſin, Henry earl of Derby, ſon of the earl of Lancaſter, into Guienne, for the defence of that province[c]. This prince, the moſt accompliſhed in the Engliſh court, poſſeſſed to a high degree the virtues of juſtice and humanity, as well as thoſe of valour and conduct[d], and not content with protecting and cheriſhing the province committed to his care, he made a ſucceſsful invaſion on the enemy. He attacked the count of Liſle, the French general, at Bergerac, beat him from his entrenchments, and took the place. He reduced a great part of Perigord, and continually advanced in his conqueſts, till the count of Liſle, having collected an army of ten or twelve thouſand men, ſat down before Auberoche, in hopes of recovering that place, which 1345.
had fallen into the hands of the Engliſh. The earl of Derby came upon him by ſurpriſe, with only a thouſand cavalry, threw the French into diſorder, puſhed his advantages, and obtained a complete victory. Liſle himſelf, with many conſiderable no-

[c] Froiſſard, liv. i. chap. 103. Aveſbury, p. 121.

[d] It is reported of this prince, that having once, before the attack of a town, promiſed the ſoldiers the plunder, one private man happened to fall upon a great cheſt full of money, which he immediately brought to the earl, as thinking it too great for himſelf to keep poſſeſſion of it. But Derby told him that his promiſe did not depend on the greatneſs or ſmallneſs of the ſum; and ordered him to keep it all for his own uſe.

CHAP. XV. 1345. bles, was taken priſoner[e]. After this important ſucceſs, Derby made a rapid progreſs in ſubduing the French provinces. He took Monſegur, Monſepat, Villefranche, Miremont, and Tonnins, with the fortreſs of Damaſſen. Aiguillon, a fortreſs deemed impregnable, fell into his hands from the cowardice of the governor. Angouleme was ſurrendered after a ſhort ſiege. The only place where he met with conſiderable reſiſtance was Reole, which, however, was at laſt reduced, after a ſiege of above nine weeks[f]. He made an attempt on Blaye, but thought it more prudent to raiſe the ſiege, than waſte his time before a place of ſmall importance[g].

1346. THE reaſon why Derby was permitted to make, without oppoſition, ſuch progreſs on the ſide of Guienne, was the difficulties under which the French finances then laboured, and which had obliged Philip to lay on new impoſitions, particularly the duty on ſalt, to the great diſcontent, and almoſt mutiny of his ſubjects. But after the court of France was ſupplied with money, great preparations were made; and the duke of Normandy, attended by the duke of Burgundy and other great nobility, led towards Guienne a powerful army, which the Engliſh could not think of reſiſting in the open field. The earl of Derby ſtood on the defenſive, and allowed the French to carry on, at leiſure, the ſiege of Angouleme, which was their firſt enterpriſe. John lord Norwich, the governor, after a brave and vigorous defence, found himſelf reduced to ſuch extremities, as obliged him to employ a ſtratagem, in order to ſave his garriſon, and to prevent his being reduced to ſurrender at diſcretion. He appeared on the walls, and deſired a parley with the duke of Normandy. The prince there told

[e] Froiſſard, liv. i. chap. 104. [f] Ibid. chap. 110. [g] Ibid, chap. 112.

Norwich,

Norwich, that he ſuppoſed he intended to capitulate. "Not at all," replied the governor: "But "as to-morrow is the feaſt of the virgin, to whom "I know that you, Sir, as well as myſelf, bear a "great devotion, I deſire a ceſſation of arms for "that day." The propoſal was agreed to; and Norwich, having ordered his forces to prepare all their baggage, marched out next day, and advanced towards the French camp. The beſiegers imagining they were to be attacked, ran to their arms; but Norwich ſent a meſſenger to the duke, reminding him of his engagement. The duke, who piqued himſelf on faithfully keeping his word, exclaimed, *I ſee the governor has outwitted me: But let us be content with gaining the place:* And the Engliſh were allowed to paſs through the camp unmoleſted [h]. After ſome other ſucceſſes, the duke of Normandy laid ſiege to Aiguillon; and as the natural ſtrength of the fortreſs, together with a brave garriſon under the command of the earl of Pembroke and ſir Walter Manny, rendered it impoſſible to take the place by aſſault, he purpoſed, after making ſeveral fruitleſs attacks [i], to reduce it by famine: But, before he could finiſh this enterpriſe, he was called to another quarter of the kingdom, by one of the greateſt diſaſters that ever befel the French monarchy [k].

Edward, informed by the earl of Derby of the great danger to which Guienne was expoſed, had prepared a force with which he intended, in perſon, to bring it relief. He embarked at Southampton, on board a fleet of near a thouſand ſail of all dimenſions; and carried with him, beſides all the chief nobility of England, his eldeſt ſon, the prince of Wales, now fifteen years of age. The winds proved long contrary [l]; and the king, in deſpair of arriving in time at Guienne, was at laſt perſuaded by Geoffrey

[h] Froiſſard, liv. i. chap. 120. [i] Ibid. chap. 121.
[k] Ibid. chap. 134. [l] Aveſbury, p. 123.

d'Harcourt,

CHAP. XV. 1346. d'Harcourt, to change the deſtination of his enterpriſe. This nobleman was a Norman by birth, had long made a conſiderable figure in the court of France, and was generally eſteemed for his perſonal merit and his valour; but being diſobliged and perſecuted by Philip, he had fled into England; had recommended himſelf to Edward, who was an excellent judge of men; and had ſucceeded to Robert of Artois in the invidious office of exciting and aſſiſting the king in every enterpriſe againſt his native country. He had long inſiſted, that an expedition to Normandy promiſed, in the preſent circumſtances, more favourable ſucceſs than one to Guienne; that Edward would find the northern provinces almoſt deſtitute of military force, which had been drawn to the ſouth; that they were full of flouriſhing cities, whoſe plunder would enrich the Engliſh; that their cultivated fields, as yet unſpoiled by war, would ſupply them with plenty of proviſions; and that the neighbourhood of the capital rendered every event of importance in thoſe quarters[m]. Theſe reaſons, which had not before been duly weighed by Edward, began to make more impreſſion, after the diſappointments which he met with in his voyage to Guienne: He ordered his fleet to ſail to Normandy, and ſafely diſembarked his army at la Hogue. (12th July.)

Invaſion of France.

THIS army, which during the courſe of the enſuing campaign was crowned with the moſt ſplendid ſucceſs, conſiſted of four thouſand men at arms, ten thouſand archers, ten thouſand Welſh infantry, and ſix thouſand Iriſh. The Welſh and the Iriſh were light diſorderly troops, fitter for doing execution in a purſuit, or ſcouring the country, than for any ſtable action. The bow was always eſteemed a frivolous weapon, where true military diſcipline was known, and regular bodies of well-armed foot maintained. The only ſolid force in this army were

[m] Froiſſard, liv. i. chap. 121.

the

1346.

the men at arms; and even these, being cavalry, were on that account much inferior, in the shock of battle, to good infantry: And as the whole were new levied troops, we are led to entertain a very mean idea of the military force of those ages, which, being ignorant of every other art, had not properly cultivated the art of war itself, the sole object of general attention.

The king created the earl of Arundel constable of his army, and the earls of Warwic and Harcourt mareschals: He bestowed the honour of knighthood on the prince of Wales and several of the young nobility immediately upon his landing. After destroying all the ships in la Hogue, Barfleur, and Cherbourg, he spread his army over the whole country, and gave them an unbounded licence of burning, spoiling, and plundering every place of which they became masters. The loose discipline then prevalent could not be much hurt by these disorderly practices; and Edward took care to prevent any surprise, by giving orders to his troops, however they might disperse themselves in the day time, always to quarter themselves at night near the main body. In this manner Montebourg, Carentan, St. Lo, Valognes, and other places in the Cotentin, were pillaged without resistance; and an universal consternation was spread over the province [n].

The intelligence of this unexpected invasion soon reached Paris; and threw Philip into great perplexity. He issued orders, however, for levying forces in all quarters, and dispatched the count of Eu, constable of France, and the count of Tancarville, with a body of troops, to the defence of Caën, a populous and commercial, but open city, which lay in the neighbourhood of the English army. The temptation of so rich a prize soon allured Edward to approach it; and the inhabitants, encouraged by their numbers, and by the re-inforcements

[n] Froissard, liv. i. chap. 122.

which

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which they daily received from the country, ventured to meet him in the field. But their courage failed them on the first shock: They fled with precipitation: The counts of Eu and Tancarville were taken prisoners: The victors entered the city along with the vanquished, and a furious massacre commenced, without distinction of age, sex, or condition. The citizens, in despair, barricadoed their houses, and assaulted the English with stones, bricks, and every missile weapon: The English made way by fire to the destruction of the citizens: Till Edward, anxious to save both his spoil and his soldiers, stopped the massacre; and having obliged the inhabitants to lay down their arms, gave his troops licence to begin a more regular and less hazardous plunder of the city. The pillage continued for three days: The king reserved for his own share the jewels, plate, silks, fine cloth, and fine linen; and he bestowed all the remainder of the spoil on his army. The whole was embarked on board the ships, and sent over to England; together with three hundred of the richest citizens of Caën, whose ransom was an additional profit, which he expected afterwards to levy [o]. This dismal scene passed in the presence of two cardinal legates, who had come to negociate a peace between the kingdoms.

The king moved next to Roüen, in hopes of treating that city in the same manner; but found that the bridge over the Seine was already broken down, and that the king of France himself was arrived there with his army. He marched along the banks of that river towards Paris, destroying the whole country, and every town and village which he met with on his road [p]. Some of his light troops carried their ravages even to the gates of Paris; and the royal palace of St Germans, together with Nanterre, Ruelle, and other villages, was reduced to ashes within sight of the capital. The English in-

[o] Froissard, liv. i. chap. 124.

[p] Ibid. chap. 125.

tended to paſs the river at Poiſſy, but found the French army encamped on the oppoſite banks, and the bridge at that place, as well as all others over the Seine, broken down by orders from Philip. Edward now ſaw that the French meant to incloſe him in their country, in hopes of attacking him with advantage on all ſides: But he ſaved himſelf by a ſtratagem from this perilous ſituation. He gave his army orders to diſlodge, and to advance farther up the Seine; but immediately returning by the ſame road, he arrived at Poiſſy, which the enemy had already quitted in order to attend his motions. He repaired the bridge with incredible celerity, paſſed over his army, and having thus diſengaged himſelf from the enemy, advanced by quick marches towards Flanders. His vanguard, commanded by Harcourt, met with the townſmen of Amiens, who were haſtening to re-inforce their king, and defeated them with great ſlaughter [q]: He paſſed by Beauvais, and burned the ſuburbs of that city: But as he approached the Somme, he found himſelf in the ſame difficulty as before: All the bridges on that river were either broken down, or ſtrongly guarded: An army, under the command of Godemar de Faye, was ſtationed on the oppoſite banks: Philip was advancing on him from the other quarter, with an army of an hundred thouſand men: And he was thus expoſed to the danger of being incloſed, and of ſtarving in an enemy's country. In this extremity he publiſhed a reward to any one that ſhould bring him intelligence of a paſſage over the Somme. A peaſant, called Gobin Agace, whoſe name has been preſerved by the ſhare which he had in theſe important tranſactions, was tempted on this occaſion to betray the intereſts of his country; and he informed Edward of a ford below Abbeville which had a ſound bottom, and might be paſſed without difficulty at low water [r]. The king haſtened thither, but found Godemar de Faye on the oppoſite banks.

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1346.

[q] Froiſſard, liv. i. chap. 125. [r] Ibid. chap. 126, 127.

Being

CHAP. XV. 1346. Being urged by neceſſity, he deliberated not a moment; but threw himſelf into the river, ſword in hand, at the head of his troops; drove the enemy from their ſtation; and purſued them to a diſtance on the plain [s]. The French army under Philip arrived at the ford when the rear-guard of the Engliſh were paſſing. So narrow was the eſcape which Edward, by his prudence and celerity, made from this danger! The riſing of the tide prevented the French king from following him over the ford, and obliged that prince to take his route over the bridge at Abbeville; by which ſome time was loſt.

It is natural to think that Philip, at the head of ſo vaſt an army, was impatient to take revenge on the Engliſh, and to prevent the diſgrace to which he muſt be expoſed if an inferior enemy ſhould be allowed, after ravaging ſo great a part of his kingdom, to eſcape with impunity. Edward alſo was ſenſible that ſuch muſt be the object of the French monarch; and, as he had advanced but a little way before his enemy, he ſaw the danger of precipitating his march over the plains of Picardy, and of expoſing his rear to the inſults of the numerous cavalry, in which the French camp abounded. He took, therefore, a prudent reſolution: He choſe his ground with advantage, near the village of Crecy; he diſpoſed his army in excellent order; he determined to await in tranquillity the arrival of the enemy; and he hoped that their eagerneſs to engage and to prevent his retreat, after all their paſt diſappointments, would hurry them on to ſome raſh and ill-concerted action. He drew up his army on a gentle aſcent, and divided them into three lines: The firſt was commanded by the prince of Wales, and under him, by the earls of Warwic and Oxford, by Harcourt, and by the lords Chandos, Holland, and other noblemen: The earls of Arundel and Northampton,

Battle of Crecy. 25th Aug.

[s] Froiſſard, liv. i. chap. 127.

with the lords Willoughby, Baſſet, Roos, and ſir Lewis Tufton, were at the head of the ſecond line: He took to himſelf the command of the third diviſion, by which he purpoſed either to bring ſuccour to the two firſt lines, or to ſecure a retreat in caſe of any misfortune, or to puſh his advantages againſt the enemy. He had likewiſe the precaution to throw up trenches on his flanks, in order to ſecure himſelf from the numerous bodies of the French, who might aſſail him from that quarter; and he placed all his baggage behind him in a wood, which he alſo ſecured by an intrenchment[t].

THE ſkill and order of this diſpoſition, with the tranquillity in which it was made, ſerved extremely to compoſe the minds of the ſoldiers; and the king, that he might farther inſpirit them, rode through the ranks with ſuch an air of cheerfulneſs and alacrity, as conveyed the higheſt confidence into every beholder. He pointed out to them the neceſſity to which they were reduced, and the certain and inevitable deſtruction which awaited them, if in their preſent ſituation, encloſed on all hands in an enemy's country, they truſted to any thing but their own valour, or gave that enemy an opportunity of taking revenge for the many inſults and indignities which they had of late put upon him. He reminded them of the viſible aſcendant which they had hitherto maintained over all the bodies of French troops that had fallen in their way; and aſſured them, that the ſuperior numbers of the army which at preſent hovered over them, gave them not greater force, but was an advantage eaſily compenſated by the order in which he had placed his own army, and the reſolution which he expected from them. He demanded nothing, he ſaid, but that they would imitate his own example, and that of the prince of

[t] Froiſſard, liv. i. chap. 128.

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Wales; and as the honour, the lives, the liberties of all were now exposed to the same danger, he was confident that they would make one common effort to extricate themselves from the present difficulties, and that their united courage would give them the victory over all their enemies.

It is related by some historians[u], that Edward, besides the resources which he found in his own genius and presence of mind, employed also a new invention against the enemy, and placed in his front some pieces of artillery, the first that had yet been made use of on any remarkable occasion in Europe. This is the epoch of one of the most singular discoveries that has been made among men; a discovery which changed by degrees the whole art of war, and by consequence many circumstances in the political government of Europe. But the ignorance of that age in the mechanical arts rendered the progress of this new invention very slow. The artillery first framed were so clumsy, and of such difficult management, that men were not immediately sensible of their use and efficacy: And even to the present times, improvements have been continually making on this furious engine, which, though it seemed contrived for the destruction of mankind, and the overthrow of empires, has in the issue rendered battles less bloody, and has given greater stability to civil societies. Nations by its means have been brought more to a level: Conquests have become less frequent and rapid: Success in war has been reduced nearly to be a matter of calculation: And any nation overmatched by its enemies, either yields to their demands, or secures itself by alliances against their violence and invasion.

The invention of artillery was at this time known in France as well as in England[w]; but Philip, in his

[u] Jean Villani, lib. xii. cap. 66.
[w] Du Cange Gloss. in verb. *Bombarda*.

hurry

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hurry to overtake the enemy, had probably left his cannon behind him, which he regarded as a useless incumbrance. All his other movements discovered the same imprudence and precipitation. Impelled by anger, a dangerous counsellor, and trusting to the great superiority of his numbers, he thought that all depended on forcing an engagement with the English; and that, if he could once reach the enemy in their retreat, the victory on his side was certain and inevitable. He made a hasty march, in some confusion, from Abbeville; but after he had advanced above two leagues, some gentlemen, whom he had sent before to take a view of the enemy, returned to him, and brought him intelligence, that they had seen the English drawn up in great order, and awaiting his arrival. They therefore advised him to defer the combat till the ensuing day, when his army would have recovered from their fatigue, and might be disposed into better order than their present hurry had permitted them to observe. Philip assented to this counsel; but the former precipitation of his march, and the impatience of the French nobility, made it impracticable for him to put it in execution. One division pressed upon another: Orders to stop were not seasonably conveyed to all of them: This immense body was not governed by sufficient discipline to be manageable: And the French army, imperfectly formed into three lines, arrived, already fatigued and disordered, in presence of the enemy. The first line, consisting of 15,000 Genoese cross-bow men, was commanded by Anthony Doria and Charles Grimaldi: The second was led by the count of Alençon, brother to the king: The king himself was at the head of the third. Besides the French monarch, there were no less than three crowned heads in this engagement: The king of Bohemia, the king of the Romans, his son, and the king of Majorca; with all the nobility and

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great vaſſals of the crown of France. The army now conſiſted of above 120,000 men, more than three times the number of the enemy. But the prudence of one man was ſuperior to the advantage of all this force and ſplendour.

THE Engliſh, on the approach of the enemy, kept their ranks firm and immoveable; and the Genoeſe firſt began the attack. There had happened, a little before the engagement, a thunder ſhower, which had moiſtened and relaxed the ſtrings of the Genoeſe croſs-bows; their arrows, for this reaſon, fell ſhort of the enemy. The Engliſh archers, taking their bows out of their caſes, poured in a ſhower of arrows upon this multitude who were oppoſed to them, and ſoon threw them into diſorder. The Genoeſe fell back upon the heavy-armed cavalry of the count of Alençon[x]; who, enraged at their cowardice, ordered his troops to put them to the ſword. The artillery fired amidſt the crowd; the Engliſh archers continued to ſend in their arrows among them; and nothing was to be ſeen in that vaſt body but hurry and confuſion, terror and diſmay. The young prince of Wales had the preſence of mind to take advantage of this ſituation, and to lead on his line to the charge. The French cavalry, however, recovering ſomewhat their order, and encouraged by the example of their leader, made a ſtout reſiſtance; and having at laſt cleared themſelves of the Genoeſe runaways, advanced upon their enemies, and by their ſuperior numbers began to hem them round. The earls of Arundel and Northampton now advanced their line to ſuſtain the prince, who, ardent in his firſt feats of arms, ſet an example of valour which was imitated by all his followers. The battle became, for ſome time, hot and dangerous; and the earl of Warwic, apprehenſive of the event from the ſuperior numbers of the

[x] Froiſſard, liv. i. chap. 130.

French,

French, diſpached a meſſenger to the king, and entreated him to ſend ſuccours to the relief of the prince. Edward had choſen his ſtation on the top of the hill; and he ſurveyed in tranquillity the ſcene of action. When the meſſenger accoſted him, his firſt queſtion was, whether the prince were ſlain or wounded? On receiving an anſwer in the negative, *Return*, ſaid he, *to my ſon, and tell him that I reſerve the honour of the day to him: I am confident that he will ſhow himſelf worthy of the honour of knighthood which I ſo lately conferred upon him: He will be able, without my aſſiſtance, to repel the enemy*[y]. This ſpeech being reported to the prince and his attendants, inſpired them with freſh courage: They made an attack with redoubled vigour on the French, in which the count of Alençon was ſlain: That whole line of cavalry was thrown into diſorder: The riders were killed or diſmounted: The Welſh infantry ruſhed into the throng, and with their long knives cut the throats of all who had fallen; nor was any quarter given that day by the victors[z].

THE king of France advanced in vain with the rear to ſuſtain the line commanded by his brother: He found them already diſcomfited; and the example of their rout increaſed the confuſion which was before but too prevalent in his own body. He had himſelf a horſe killed under him: He was remounted; and, though left almoſt alone, he ſeemed ſtill determined to maintain the combat; when John of Hainault ſeized the reins of his bridle, turned about his horſe, and carried him off the field of battle. The whole French army took to flight, and was followed and put to the ſword, without mercy, by the enemy; till the darkneſs of the night put an end to the purſuit. The king, on his return to the camp, flew into the arms of the prince of

[y] Froiſſard, liv. i. chap. 130. [z] Ibid.

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Wales, and exclaimed, *My brave ſon! Perſevere in your honourable cauſe: You are my ſon; for valiantly have you acquitted yourſelf to-day: You have ſhewn yourſelf worthy of empire*[a].

THIS battle, which is known by the name of the battle of Crecy, began after three o'clock in the afternoon, and continued till evening. The next morning was foggy; and as the Engliſh obſerved that many of the enemy had loſt their way in the night and in the miſt, they employed a ſtratagem to bring them into their power: They erected on the eminences ſome French ſtandards which they had taken in the battle; and all who were allured by this falſe ſignal were put to the ſword, and no quarter given them. In excuſe for this inhumanity, it was alleged that the French king had given like orders to his troops; but the real reaſon probably was, that the Engliſh, in their preſent ſituation, did not chuſe to be encumbered with priſoners. On the day of battle, and on the enſuing, there fell, by a moderate computation, 1200 French knights, 1400 gentlemen, 4000 men at arms, beſides about 30,000 of inferior rank[b]: Many of the principal nobility of France, the dukes of Lorraine and Bourbon, the earls of Flanders, Blois, Vaudemont, Aumale, were left on the field of battle. The kings alſo of Bohemia and Majorca were ſlain: The fate of the former was remarkable: He was blind from age; but being reſolved to hazard his perſon, and ſet an example to others, he ordered the reins of his bridle to be tied on each ſide to the horſes of two gentlemen of his train; and his dead body, and thoſe of his attendants, were afterwards found among the ſlain, with their horſes ſtanding by them in that ſituation[c]. His creſt was three oſtrich feathers; and his motto theſe German words, *Ich dien*, *I ſerve:* Which the prince of Wales and his ſuc-

[a] Froiſſard, liv. i. chap. 131. [b] Ibid. Knyghton, p. 2588.
[c] Froiſſard, liv. i. chap. 130. Walſingham, p. 166.

ceſſors

cessors adopted in memorial of this great victory. The action may seem no less remarkable for the small loss sustained by the English, than for the great slaughter of the French: There were killed in it only one esquire and three knights [d], and very few of inferior rank; a demonstration, that the prudent disposition planned by Edward, and the disorderly attack made by the French, had rendered the whole rather a rout than a battle; which was indeed the common case with engagements in those times. CHAP. XV. 1346.

THE great prudence of Edward appeared not only in obtaining this memorable victory, but in the measures which he pursued after it. Not elated by his present prosperity, so far as to expect the total conquest of France, or even that of any considerable provinces; he purposed only to secure such an easy entrance into that kingdom, as might afterwards open the way to more moderate advantages. He knew the extreme distance of Guienne: He had experienced the difficulty and uncertainty of penetrating on the side of the Low Countries, and had already lost much of his authority over Flanders by the death of d'Arteville, who had been murdered by the populace themselves, his former partisans, on his attempting to transfer the sovereignty of that province to the prince of Wales [e]. The king, therefore, limited his ambition to the conquest of Calais; and after the interval of a few days, which he employed in interring the slain, he marched with his victorious army, and presented himself before the place.

JOHN of Vienne, a valiant knight of Burgundy, was governor of Calais, and being supplied with every thing necessary for defence, he encouraged the townsmen to perform to the utmost their duty to their king and country. Edward, therefore, sensible from the beginning that it was in vain

[d] Knyghton, p. 2588. [e] Froissard, liv. i. chap. 116.

CHAP. XV. 1346. to attempt the place by force, purposed only to reduce it by famine: He chose a secure station for his camp; drew entrenchments around the whole city; raised huts for his soldiers, which he covered with straw or broom; and provided his army with all the conveniencies necessary to make them endure the winter season, which was approaching. As the governor soon perceived his intention, he expelled all the useless mouths; and the king had the generosity to allow these unhappy people to pass through his camp, and he even supplied them with money for their journey [f].

WHILE Edward was engaged in this siege, which employed him near a twelvemonth, there passed in different places many other events; and all to the honour of the English arms.

THE retreat of the duke of Normandy from Guienne left the earl of Derby master of the field; and he was not negligent in making his advantage of the superiority. He took Mirebeau by assault: He made himself master of Lusignan in the same manner: Taillebourg and St. Jean d'Angeli fell into his hands; Poictiers opened its gates to him; and Derby having thus broken into the frontiers on that quarter, carried his incursions to the banks of the Loire, and filled all the southern provinces of France with horror and devastation [g].

THE flames of war were at the same time kindled in Britanny. Charles of Blois invaded that province with a considerable army, and invested the fortress of Roche de Rien; but the countess of Mountfort, reinforced by some English troops under sir Thomas Dagworth, attacked him during the night in his intrenchments, dispersed his army, and took Charles himself prisoner [h]. His wife, by whom he enjoyed his pretensions to Britanny, compelled by the present necessity, took on her the government of

[f] Froissard, liv. i. chap. 133. [g] Ibid. chap. 136.
[h] Ibid. chap. 143. Walsing. p. 168. Ypod. Neust. p. 517, 518.

of the party, and proved herſelf a rival in every ſhape, and an antagoniſt to the counteſs of Mountfort, both in the field and in the cabinet. And while theſe heroic dames preſented this extraordinary ſcene to the world, another princeſs in England, of ſtill higher rank, ſhewed herſelf no leſs capable of exerting every manly virtue. CHAP. XV. 1346.

THE Scottiſh nation, after long defending, with incredible perſeverance, their liberties againſt the ſuperior force of the Engliſh, recalled their king David Bruce in 1342. Though that prince, neither by his age nor capacity, could bring them great aſſiſtance, he gave them the countenance of ſovereign authority; and as Edward's wars on the continent proved a great diverſion to the force of England, they rendered the balance more equal between the kingdoms. In every truce which Edward concluded with Philip, the king of Scotland was comprehended; and when Edward made his laſt invaſion upon France, David was ſtrongly ſolicited by his ally to begin alſo hoſtilities, and to invade the northern counties of England. The nobility of his nation being always forward in ſuch incurſions, David ſoon muſtered a great army, entered Northumberland at the head of above 50,000 men, and carried his ravages and devaſtations to the gates of Durham[i]. But queen Philippa, aſſembling a body of little more than 12,000 men[k], which ſhe entruſted to the command of lord Piercy, ventured to approach him at Neville's Croſs near that city; and riding through the ranks of her army, exhorted every man to do his duty, and to take revenge on theſe barbarous ravagers[l]. Nor could ſhe be perſuaded to leave the field, till the armies were on the point of engaging. The Scots have often been unfortunate in the great pitched battles which they fought with the Engliſh; even though they com- War with Scotland. 17th Oct.

[i] Froiſſard, liv. i. chap. 137. [k] Ibid. chap. 138. [l] Ibid. chap. 138.

CHAP. XV. 1346. monly declined ſuch engagements where the ſuperiority of numbers was not on their ſide: But never did they receive a more fatal blow than the preſent. They were broken and chaſed off the field: Fifteen thouſand of them, ſome hiſtorians ſay twenty thouſand, were ſlain; among whom were Edward Keith earl mareſchal, and ſir Thomas Charteris chancellor: And the king himſelf was taken priſoner, with the earls of Sutherland, Fife, Monteith, Carric, lord Douglas, and many other noblemen [m].

Captivity of the king of Scots.

PHILIPPA, having ſecured her royal priſoner in the Tower [n], croſſed the ſea at Dover; and was received in the Engliſh camp before Calais, with all the triumph due to her rank, her merit, and her ſucceſs. This age was the reign of chivalry and gallantry: Edward's court excelled in theſe accompliſhments as much as in policy and arms: And if any thing could juſtify the obſequious devotion then profeſſed to the fair ſex, it muſt be the appearance of ſuch extraordinary women as ſhone forth during that period.

1347. Calais taken.

THE town of Calais had been defended with remarkable vigilance, conſtancy, and bravery by the townſmen, during a ſiege of unuſual length: But Philip, informed of their diſtreſſed condition, determined at laſt to attempt their relief; and he approached the Engliſh with an immenſe army, which the writers of that age make amount to 200,000 men. But he found Edward ſo ſurrounded with moraſſes, and ſecured by intrenchments, that, without running on inevitable deſtruction, he concluded it impoſſible to make an attempt on the Engliſh camp. He had no other reſource than to ſend his rival a vain challenge to meet him in the open field; which being refuſed, he was obliged to decamp with his army, and diſperſe them into their ſeveral provinces [o].

[m] Froiſſard, liv. i. chap. 139. [n] Rymer, vol. v. p. 537.
[o] Froiſſard, liv. i. chap. 144, 145. Aveſbury, p. 161, 162.

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1347.

JOHN of Vienne, governor of Calais, now ſaw the neceſſity of ſurrendering his fortreſs, which was reduced to the laſt extremity by famine and the fatigue of the inhabitants. He appeared on the walls, and made a ſignal to the Engliſh centinels that he deſired a parley. Sir Walter Manny was ſent to him by Edward. "Brave knight," cried the governor, "I have been entruſted by my ſovereign with the command of this town: It is almoſt a year ſince you beſieged me; and I have endeavoured, as well as thoſe under me, to do our duty. But you are acquainted with our preſent condition: We have no hopes of relief; we are periſhing with hunger; I am willing therefore to ſurrender, and deſire, as the ſole condition, to enſure the lives and liberties of theſe brave men, who have ſo long ſhared with me every danger and fatigue[p]."

MANNY replied, that he was well acquainted with the intentions of the king of England; that that prince was incenſed againſt the townſmen of Calais for their pertinacious reſiſtance, and for the evils which they had made him and his ſubjects ſuffer; that he was determined to take exemplary vengeance on them; and would not receive the town on any condition which ſhould confine him in the puniſhment of theſe offenders. "Conſider," replied Vienne, "that this is not the treatment to which brave men are entitled: If any Engliſh knight had been in my ſituation, your king would have expected the ſame conduct from him. The inhabitants of Calais have done for their ſovereign what merits the eſteem of every prince; much more of ſo gallant a prince as Edward. But I inform you, that if we muſt periſh, we ſhall not periſh unrevenged; and that we are not yet ſo reduced, but we can ſell our lives at a high price to the victors. It is the

p Froiſſard, liv. i. chap. 146.

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" interest of both sides to prevent these desperate " extremities; and I expect that you yourself, brave " knight, will interpose your good offices with your " prince in our behalf."

MANNY was struck with the justness of the sentiments, and represented to the king the danger of reprisals, if he should give such treatment to the inhabitants of Calais. Edward was at last persuaded to mitigate the rigour of the conditions demanded: He only insisted that six of the most considerable citizens should be sent to him, to be disposed of as he thought proper; that they should come to his camp carrying the keys of the city in their hands, bareheaded and barefooted, with ropes about their necks: And, on these conditions, he promised to spare the lives of all the remainder [q].

WHEN this intelligence was conveyed to Calais, it struck the inhabitants with new consternation. To sacrifice six of their fellow-citizens to certain destruction for signalising their valour in a common cause, appeared to them even more severe than that general punishment with which they were before threatened; and they found themselves incapable of coming to any resolution in so cruel and distressful a situation. At last one of the principal inhabitants called Eustace de St. Pierre, whose name deserves to be recorded, stepped forth, and declared himself willing to encounter death for the safety of his friends and companions: Another, animated by his example, made a like generous offer: A third and a fourth presented themselves to the same fate; and the whole number was soon completed. These six heroic burgesses appeared before Edward in the guise of malefactors, laid at his feet the keys of their city, and were ordered to be led to execution. It is surprising that so generous a prince should ever have entertained such a barbarous purpose

[q] Froissard, liv. i. chap. 146.

against

against ſuch men; and ſtill more that he ſhould ſeriouſly perſiſt in the reſolution of executing it*. But the entreaties of his queen ſaved his memory from that infamy: She threw herſelf on her knees before him, and, with tears in her eyes, begged the lives of theſe citizens. Having obtained her requeſt, ſhe carried them into her tent, ordered a repaſt to be ſet before them, and, after making them a preſent of money and clothes, diſmiſſed them in ſafety[r]. 1347.

THE king took poſſeſſion of Calais, and immediately executed an act of rigour, more juſtifiable, becauſe more neceſſary, than that which he had before reſolved on. He knew that, notwithſtanding his pretended title to the crown of France, every Frenchman regarded him as a mortal enemy: He therefore ordered all the inhabitants of Calais to evacuate the town, and he peopled it anew with Engliſh; a policy which probably preſerved ſo long to his ſucceſſors the dominion of that important fortreſs. He made it the ſtaple of wool, leather, tin, and lead; the four chief, if not the ſole commodities of the kingdom, for which there was any conſiderable demand in foreign markets. All the Engliſh were obliged to bring thither theſe goods: Foreign merchants came to the ſame place in order to purchaſe them: And at a period when poſts were not eſtabliſhed, and when the communication between ſtates was ſo imperfect, this inſtitution, though it hurt the navigation of England, was probably of advantage to the kingdom. 4th Aug.

THROUGH the mediation of the pope's legates, Edward concluded a truce with France; but, even during this ceſſation of arms, he had very nearly loſt Calais, the ſole fruit of all his boaſted victories. The king had entruſted that place to Aimery de Pavie, an Italian, who had diſcovered bravery and 1348.

* See note [H] at the end of the volume.
r Froiſſard, liv. i. chap. 146.

conduct

CHAP. XV. 1348. conduct in the wars, but was utterly destitute of every principle of honour and fidelity. This man agreed to deliver up Calais for the sum of twenty thousand crowns; and Geoffrey de Charni, who commanded the French forces in those quarters, and who knew that, if he succeeded in this service, he should not be disavowed, ventured, without consulting his master, to conclude the bargain with him. Edward, informed of this treachery by means of Aimery's secretary, summoned the governor to London on other pretences; and having charged him with the guilt, promised him his life, but on condition that he would turn the contrivance to the destruction of the enemy. The Italian easily agreed to this double treachery. A day was appointed for the admission of the French; and Edward, having prepared a force of about a thousand men, under sir Walter Manny, secretly departed from London, carrying with him the prince of Wales; and, without being suspected, arrived the evening before at Calais. He made a proper disposition for the reception of the enemy, and kept all his forces and the garrison under arms. On the appearance of Charni, a chosen band of French soldiers was admitted at the postern; and Aimery, receiving the stipulated sum, promised that, with their assistance, he would immediately open the great gate to the troops, who were waiting with impatience for the fulfilling of his engagement. All

1349. 1st Jan. the French who entered were immediately slain, or taken prisoners: The great gate opened: Edward rushed forth with cries of battle and of victory: The French, though astonished at the event, behaved with valour: A fierce and bloody engagement ensued. As the morning broke, the king, who was not distinguished by his arms, and who fought as a private man under the standard of sir Walter Manny, remarked a French gentleman, called Eustace de Ribaumont, who exerted himself with singular vigour and bravery; and he was seized with a de-

1349.

ſire of trying a ſingle combat with him. He ſtepped forth from his troop, and challenging Ribaumont by name (for he was known to him), began a ſharp and dangerous encounter. He was twice beaten to the ground by the valour of the Frenchman: He twice recovered himſelf: Blows were redoubled with equal force on both ſides: The victory was long undecided; till Ribaumont, perceiving himſelf to be left almoſt alone, called out to his antagoniſt, *Sir knight, I yield myſelf your priſoner*; and at the ſame time delivered his ſword to the king. Moſt of the French, being overpowered by numbers, and intercepted in their retreat, loſt either their lives or their liberty[s].

THE French officers who had fallen into the hands of the Engliſh were conducted into Calais; where Edward diſcovered to them the antagoniſt with whom they had the honour to be engaged, and treated them with great regard and courteſy. They were admitted to ſup with the prince of Wales and the Engliſh nobility; and, after ſupper, the king himſelf came into the apartment, and went about, converſing familiarly with one or other of his priſoners. He even addreſſed himſelf to Charni, and avoided reproaching him, in too ſevere terms, with the treacherous attempt which he had made upon Calais during the truce: But he openly beſtowed the higheſt encomiums on Ribaumont; called him the moſt valorous knight that he had ever been acquainted with; and confeſſed that he himſelf had at no time been in ſo great danger as when engaged in combat with him. He then took a ſtring of pearls, which he wore about his own head, and throwing it over the head of Ribaumont, he ſaid to him, "Sir Euſtace, I beſtow this preſent upon "you as a teſtimony of my eſteem for your bra-"very: And I deſire you to wear it a year for my

s Froiſſard, liv. i. chap. 140, 141, 142.

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"sake: I know you to be gay and amorous, and "to take delight in the company of ladies and damsels: Let them all know from what hand you had "the present: You are no longer a prisoner; I acquit you of your ransom; and you are at liberty "to morrow to dispose of yourself as you think "proper."

NOTHING proves more evidently the vast superiority assumed by the nobility and gentry above all the other orders of men during those ages, than the extreme difference which Edward made in his treatment of these French knights, and that of the six citizens of Calais, who had exerted more signal bravery in a cause more justifiable and more honourable.

CHAP. XVI.

EDWARD III.

Institution of the Garter——State of France——Battle of Poictiers——Captivity of the king of France——State of that kingdom——Invasion of France——Peace of Bretigni——State of France——Expedition into Castile——Rupture with France——Ill success of the English——Death of the prince of Wales——Death—and character of the king——Miscellaneous transactions in this reign.

THE prudent conduct and great success of Edward in his foreign wars had excited a strong emulation and a military genius among the English nobility; and these turbulent barons, overawed by the crown, gave now a more useful direction to their ambition, and attached themselves to a prince who led them to the acquisition of riches and of glory. That he might farther promote the spirit of emulation and obedience, the king instituted the order of the Garter, in imitation of some orders of a like nature, religious as well as military, which had been established in different parts of Europe. The number received into this order consisted of twenty-five persons, besides the sovereign; and as it has never been enlarged, this badge of distinction continues as honourable as at its first institution, and is still a valuable, though a cheap present, which the prince can confer on his greatest subjects. A vulgar story prevails, but is not supported by any ancient authority, that, at a court-ball, Edward's

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Institution of the Garter.

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ward's mistress, commonly supposed to be the countess of Salisbury, dropped her garter; and the king, taking it up, observed some of the courtiers to smile, as if they thought that he had not obtained this favour merely by accident: Upon which he called out, *Honi soit qui mal y pense*, Evil to him that evil thinks; and as every incident of gallantry among those ancient warriors was magnified into a matter of great importance *, he instituted the order of the Garter in memorial of this event, and gave these words as the motto of the order. This origin, though frivolous, is not unsuitable to the manners of the times; and it is indeed difficult by any other means to account, either for the seemingly unmeaning terms of the motto, or for the peculiar badge of the garter, which seems to have no reference to any purpose either of military use or ornament.

But a sudden damp was thrown over this festivity and triumph of the court of England, by a destructive pestilence which invaded that kingdom, as well as the rest of Europe; and is computed to have swept away near a third of the inhabitants in every country which it attacked. It was probably more fatal in great cities than in the country; and above fifty thousand souls are said to have perished by it in London alone [r]. This malady first discovered itself in the north of Asia, was spread over all that country, made its progress from one end of Europe to the other, and sensibly depopulated every state, through which it passed. So grievous a calamity, more than the pacific disposition of the princes, served to maintain and prolong the truce between France and England.

* See note [I] at the end of the volume.

r Stowe's Survey, p. 478. There were buried 50,000 bodies in one church-yard, which sir Walter Manny had bought for the use of the poor. The same author says, that there died above 50,000 persons of the plague in Norwich, which is quite incredible.

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DURING this truce Philip de Valois died, without being able to re-eſtabliſh the affairs of France, which his bad ſucceſs againſt England had thrown into extreme diſorder. This monarch, during the firſt years of his reign, had obtained the appellation of *Fortunate*, and acquired the character of prudent; but he ill maintained either the one or the other; leſs from his own fault, than becauſe he was overmatched by the ſuperior fortune and ſuperior genius of Edward. But the incidents in the reign of his ſon John gave the French nation cauſe to regret even the calamitous times of his predeceſſor. John was diſtinguiſhed by many virtues, particularly a ſcrupulous honour and fidelity: He was not deficient in perſonal courage: But as he wanted that maſterly prudence and foreſight, which his difficult ſituation required, his kingdom was at the ſame time diſturbed by inteſtine commotions, and oppreſſed with foreign wars. The chief ſource of its calamities was Charles king of Navarre, who received the epithet of the *bad* or *wicked*, and whoſe conduct fully entitled him to that appellation. This prince was deſcended from males of the blood royal of France; his mother was daughter of Lewis Hutin; he had himſelf eſpouſed a daughter of king John: But all theſe ties, which ought to have connected him with the throne, gave him only greater power to ſhake and overthrow it. With regard to his perſonal qualities, he was courteous, affable, engaging, eloquent; full of inſinuation and addreſs; inexhauſtible in his reſources; active and enterpriſing. But theſe ſplendid accompliſhments were attended with ſuch defects as rendered them pernicious to his country, and even ruinous to himſelf: He was volatile, inconſtant, faithleſs, revengeful, malicious: Reſtrained by no principle or duty: Inſatiable in his pretenſions: And whether ſucceſſful or unfortunate in one enterpriſe, he immediately undertook another, in which he was never deterred from

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from employing the moſt criminal and moſt diſhonourable expedients.

1354. THE conſtable of Eu, who had been taken priſoner by Edward at Caën, recovered his liberty, on the promiſe of delivering as his ranſom the town of Guiſnes, near Calais, of which he was ſuperior lord: But as John was offended at this ſtipulation, which, if fulfilled, opened ſtill farther that frontier to the enemy; and as he ſuſpected the conſtable of more dangerous connexions with the king of England, he ordered him to be ſeized, and, without any legal or formal trial, put him to death in priſon. Charles de la Cerda was appointed conſtable in his place; and had a like fatal end: The king of Navarre ordered him to be aſſaſſinated; and ſuch was the weakneſs of the crown, that this prince, inſtead of dreading puniſhment, would not even agree to aſk pardon for his offence, but on condition that he ſhould receive an acceſſion of territory: And he had alſo John's ſecond ſon put into his hands as a ſecurity for his perſon, when he came to court, and performed this act of mock penitence and humiliation before his ſovereign [u].

1355. THE two French princes ſeemed entirely reconciled; but this diſſimulation, to which John ſubmitted from neceſſity, and Charles from habit, did not long continue; and the king of Navarre knew that he had reaſon to apprehend the moſt ſevere vengeance for the many crimes and treaſons which he had already committed, and the ſtill greater, which he was meditating. To enſure himſelf of protection, he entered into a ſecret correſpondence with England, by means of Henry earl of Derby, now earl of Lancaſter, who at that time was employed in fruitleſs negociations for peace at Avignon, under the mediation of the pope. John detected this correſpondence; and to prevent the dan-

[u] Froiſſard, liv. i. chap. 144.

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gerous effects of it, he sent forces into Normandy, the chief seat of the king of Navarre's power, and attacked his castles and fortresses. But hearing that Edward had prepared an army to support his ally, he had the weakness to propose an accommodation with Charles, and even to give this traitorous subject the sum of a hundred thousand crowns as the purchase of a feigned reconcilement, which rendered him still more dangerous. The king of Navarre, insolent from past impunity, and desperate from the dangers which he apprehended, continued his intrigues; and associating himself with Geoffrey d'Harcourt, who had received his pardon from Philip de Valois, but persevered still in his factious disposition, he increased the number of his partisans in every part of the kingdom. He even seduced, by his address, Charles the king of France's eldest son, a youth of seventeen years of age, who was the first that bore the appellation of Dauphin, by the re-union of the province of Dauphiny to the crown. But this prince, being made sensible of the danger and folly of these connexions, promised to make atonement for the offence by the sacrifice of his associates; and, in concert with his father, he invited the king of Navarre, and other noblemen of the party, to a feast at Roüen, where they were betrayed into the hands of John. Some of the most obnoxious were immediately led to execution; the king of Navarre was thrown into prison [w]: But this stroke of severity in the king, and of treachery in the dauphin, was far from proving decisive in maintaining the royal authority. Philip of Navarre, brother to Charles, and Geoffrey d'Harcourt, put all the towns and castles belonging to that prince in a posture of defence; and had immediate recourse to the protection of England in this desperate extremity.

[w] Froissard, liv. i. chap. 146. Avesbury, p. 243.

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The truce between the two kingdoms, which had always been ill obſerved on both ſides, was now expired; and Edward was entirely free to ſupport the French malcontents. Well pleaſed that the factions in France had at length gained him ſome partiſans in that kingdom, which his pretenſions to the crown had never been able to accompliſh, he purpoſed to attack his enemy both on the ſide of Guienne, under the command of the prince of Wales, and on that of Calais, in his own perſon.

Young Edward arrived in the Garronne with his army, on board a fleet of three hundred ſail, attended by the earls of Warwic, Saliſbury, Oxford, Suffolk, and other Engliſh noblemen. Being joined by the vaſſals of Gaſcony, he took the field; and as the preſent diſorders in France prevented every proper plan of defence, he carried on with impunity his ravages and devaſtations, according to the mode of war in that age. He reduced all the villages and ſeveral towns in Languedoc to aſhes: He preſented himſelf before Thoulouſe; paſſed the Garronne, and burned the ſuburbs of Carcaſſonne; advanced even to Narbonne, laying every place waſte around him: And after an incurſion of ſix weeks, returned with a vaſt booty and many priſoners to Guienne, where he took up his winter-quarters[a]. The conſtable of Bourbon, who commanded in theſe provinces, received orders, though at the head of a ſuperior army, on no account to run the hazard of a battle.

The king of England's incurſion from Calais was of the ſame nature, and attended with the ſame iſſue. He broke into France at the head of a numerous army; to which he gave a full licence of plundering and ravaging the open country. He advanced to St. Omer, where the king of France was poſted;

[a] Froiſſard, liv. i. chap. 144. 146.

and

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and on the retreat of that prince followed him to Hesdin[y]. John still kept at a distance, and declined an engagement: But, in order to save his reputation, he sent Edward a challenge to fight a pitched battle with him; a usual bravado in that age, derived from the practice of single combat, and ridiculous in the art of war. The king finding no sincerity in this defiance, retired to Calais, and thence went over to England, in order to defend that kingdom against a threatened invasion of the Scots.

THE Scots, taking advantage of the king's absence, and that of the military power of England, had surprised Berwic; and had collected an army with a view of committing ravages upon the northern provinces: But on the approach of Edward they abandoned that place, which was not tenable while the castle was in the hands of the English; and retiring to their mountains, gave the enemy full liberty of burning and destroying the whole country from Berwic to Edinburgh[z]. Baliol attended Edward on this expedition; but finding that his constant adherence to the English had given his countrymen an unconquerable aversion to his title, and that he himself was declining through age and infirmities, he finally resigned into the king's hands his pretensions to the crown of Scotland[a], and received in lieu of them an annual pension of 2000 pounds, with which he passed the remainder of his life in privacy and retirement.

DURING these military operations, Edward received information of the increasing disorders in France, arising from the imprisonment of the king of Navarre; and he sent Lancaster, at the head of a small army, to support the partisans of that prince in Normandy. The war was conducted with vari-

[y] Froissard, liv. i. chap. 144. Avesbury, p. 206. Walsing. p. 171. [z] Walsing. p. 171. [a] Rymer, vol. v. p. 823. Ypod. Neust. p. 521.

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1356. THE prince of Wales, encouraged by the succefs of the preceding campaign, took the field with an army, which no historian makes amount to above 12,000 men, and of which not a third were English; and, with this small body, he ventured to penetrate into the heart of France. After ravaging the Agenois, Quercy, and the Limousin, he entered the province of Berry; and made some attacks, though without succefs, on the towns of Bourges and Iffoudun. It appeared, that his intentions were to march into Normandy, and to join his forces with those of the earl of Lancaster and the partisans of the king of Navarre; but finding all the bridges on the Loire broken down, and every pafs carefully guarded, he was obliged to think of making his retreat into Guienne [b]. He found this resolution the more neceffary, from the intelligence which he received of the king of France's motions. That monarch, provoked at the insult offered him by this incursion, and entertaining hopes of succefs from the young prince's temerity, collected a great army of above 60,000 men, and advanced, by hasty marches, to intercept his enemy. The prince, not aware of John's near approach, lost some days on his retreat before the castle of Remorantin [c]; and thereby gave the French an opportunity of overtaking him. They came within sight at Maupertuis near Poictiers; and Edward, sensible that his retreat was now become impracticable, prepared for battle with all the courage of a young hero, and with all the prudence of the oldest and most experienced commander.

Battle of Poictiers.

[b] Walsing. p. 171.
[c] Froiffard, liv. i. chap. 158. Walsing. p. 171.

 BUT

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But the utmoſt prudence and courage would have proved inſufficient to ſave him in this extremity, had the king of France known how to make uſe of his preſent advantages. His great ſuperiority in numbers enabled him to ſurround the enemy; and, by intercepting all proviſions, which were already become ſcarce in the Engliſh camp, to reduce this ſmall army, without a blow, to the neceſſity of ſurrendering at diſcretion. But ſuch was the impatient ardour of the French nobility, and ſo much had their thoughts been bent on overtaking the Engliſh as their ſole object, that this idea never ſtruck any of the commanders; and they immediately took meaſures for the aſſault, as for a certain victory. While the French army was drawn up in order of battle, they were ſtopped by the appearance of the cardinal of Perigord; who, having learned the approach of the two armies to each other, had haſtened, by interpoſing his good offices, to prevent any farther effuſion of Chriſtian blood. By John's permiſſion, he carried propoſals to the prince of Wales; and found him ſo ſenſible of the bad poſture of his affairs, that an accommodation ſeemed not impracticable. Edward told him, that he would agree to any terms conſiſtent with his own honour and that of England; and he offered to purchaſe a retreat, by ceding all the conqueſts which he had made during this and the former campaign, and by ſtipulating not to ſerve againſt France during the courſe of ſeven years. But John, imagining that he had now got into his hands a ſufficient pledge for the reſtitution of Calais, required that Edward ſhould ſurrender himſelf priſoner with a hundred of his attendants; and offered, on theſe terms, a ſafe retreat to the Engliſh army. The prince rejected the propoſal with diſdain; and declared that whatever fortune might attend him, England ſhould never be obliged to pay the price of his ranſom. This reſolute anſwer cut off all

CHAP. XVI. 1356. hopes of accommodation; but, as the day was already ſpent in negociating, the battle was delayed till the next morning [d].

The cardinal of Perigord, as did all the prelates of the court of Rome, bore a great attachment to the French intereſt; but the moſt determined enemy could not, by any expedient, have done a greater prejudice to John's affairs than he did them by this delay. 19th Sept. The prince of Wales had leiſure, during the night, to ſtrengthen, by new entrenchments, the poſt which he had before ſo judiciouſly choſen; and he contrived an ambuſh of 300 men at arms, and as many archers, whom he put under the command of the Captal de Buche, and ordered to make a circuit, that they might fall on the flank or rear of the French army during the engagement. The van of his army was commanded by the earl of Warwic, the rear by the earls of Saliſbury and Suffolk, the main body by the prince himſelf. The lords Chandos, Audeley, and many other brave and experienced commanders, were at the head of different corps of his army.

John alſo arranged his forces in three diviſions, nearly equal: The firſt was commanded by the duke of Orleans, the king's brother; the ſecond by the dauphin, attended by his two younger brothers; the third by the king himſelf, who had by his ſide Philip his fourth ſon and favourite, then about fourteen years of age. There was no reaching the Engliſh army but through a narrow lane, covered on each ſide by hedges; and in order to open this paſſage, the mareſchals Andrehen and Clermont were ordered to advance with a ſeparate detachment of men at arms. While they marched along the lane, a body of Engliſh archers, who lined the hedges, plyed them on each ſide with their arrows; and being very near them, yet placed in perfect

[d] Froiſſard, liv. i. chap. 161.

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ſafety, they coolly took their aim againſt the enemy, and ſlaughtered them with impunity. The French detachment, much diſcouraged by the unequal combat, and diminiſhed in their number, arrived at the end of the lane, where they met on the open ground the prince of Wales himſelf, at the head of a choſen body, ready for their reception. They were diſcomfited and overthrown: One of the mareſchals was ſlain; the other taken priſoner: And the remainder of the detachment, who were ſtill in the lane, and expoſed to the ſhot of the enemy, without being able to make reſiſtance, recoiled upon their own army, and put every thing into diſorder [e]. In that critical moment the Captal de Buche unexpectedly appeared, and attacked in flank the dauphin's line, which fell into ſome confuſion. Landas, Bodenai, and St. Venant, to whom the care of that young prince and his brothers had been committed, too anxious for their charge or for their own ſafety, carried them off the field, and ſet the example of flight, which was followed by that whole diviſion. The duke of Orleans, ſeized with a like panic, and imagining all was loſt, thought no longer of fighting, but carried off his diviſion by a retreat, which ſoon turned into a flight. Lord Chandos called out to the prince, that the day was won; and encouraged him to attack the diviſion under king John, which, though more numerous than the whole Engliſh army, were ſomewhat diſmayed with the precipitate flight of their companions. John here made the utmoſt efforts to retrieve by his valour what his imprudence had betrayed; and the only reſiſtance made that day was by his line of battle. The prince of Wales fell with impetuoſity on ſome German cavalry placed in the front, and commanded by the counts of Sallebruche, Nydo, and Noſto: A fierce battle enſued: One ſide were encouraged

[e] Froiſſard, liv. i. chap. 162.

by

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by the near profpect of fo great a victory: The other were ftimulated by the fhame of quitting the field to an enemy fo much inferior: But the three German generals, together with the duke of Athens conftable of France, falling in battle, that body of cavalry gave way, and left the king himfelf expofed to the whole fury of the enemy. The ranks were every moment thinned around him: The nobles fell by his fide one after another: His fon, fcarce fourteen years of age, received a wound, while he was fighting valiantly in defence of his father: The king himfelf, fpent with fatigue, and overwhelmed by numbers, might eafily have been flain; but every Englifh gentleman, ambitious of taking alive the royal prifoner, fpared him in the action, exhorted him to furrender, and offered him quarter: Several who attempted to feize him fuffered for their temerity. He ftill cried out, *Where is my coufin, the prince of Wales?* and feemed unwilling to become prifoner to any perfon of inferior rank. But being told that the prince was at a diftance on the field, he threw down his gauntlet, and yielded himfelf to Dennis de Morbec, a knight of Arras, who had been obliged to fly his country for murder. His fon was taken with him [f].

Captivity of the king of France.

THE prince of Wales, who had been carried away in purfuit of the flying enemy, finding the field entirely clear, had ordered a tent to be pitched, and was repofing himfelf after the toils of battle; enquiring ftill with great anxiety, concerning the fate of the French monarch. He difpatched the earl of Warwic to bring him intelligence; and that nobleman came happily in time to fave the life of the captive prince, which was expofed to greater danger than it had been during the heat of the action. The Englifh had taken him by violence from Morbec: The Gafcons claimed the honour of de-

[f] Rymer, vol. vi. p. 72. 154. Froiffard, liv. i. chap. 164.

taining

taining the royal priſoner: And ſome brutal ſoldiers, rather than yield the prize to their rivals, had threatened to put him to death [g]. Warwic overawed both parties, and approaching the king with great demonſtrations of reſpect, offered to conduct him to the prince's tent.

HERE commences the real and truly admirable heroiſm of Edward: For victories are vulgar things in compariſon of that moderation and humanity diſplayed by a young prince of twenty-ſeven years of age, not yet cooled from the fury of battle, and elated by as extraordinary and as unexpected ſucceſs as had ever crowned the arms of any commander. He came forth to meet the captive king with all the marks of regard and ſympathy; adminiſtered comfort to him amidſt his misfortunes; paid him the tribute of praiſe due to his valour; and aſcribed his own victory merely to the blind chance of war, or to a ſuperior providence, which controls all the efforts of human force and prudence [h]. The behaviour of John ſhowed him not unworthy of this courteous treatment: His preſent abject fortune never made him forget a moment that he was a king: More touched by Edward's generoſity than by his own calamities, he confeſſed, that, notwithſtanding his defeat and captivity, his honour was ſtill unimpaired; and that, if he yielded the victory, it was at leaſt gained by a prince of ſuch conſummate valour and humanity.

EDWARD ordered a repaſt to be prepared in his tent for the priſoner; and he himſelf ſerved at the royal captive's table, as if he had been one of his retinue: He ſtood at the king's back during the meal; conſtantly refuſed to take a place at table; and declared, that, being a ſubject, he was too well acquainted with the diſtance between his own rank and that of royal majeſty, to aſſume ſuch freedom. All his father's pretenſions to the crown of

g Froiſſard, liv. i. chap. 164. h Poul. Cemil. p. 197.

France

CHAP. XVI. 1357. France were now buried in oblivion: John, in captivity, received the honours of a king, which were refuſed him when ſeated on the throne: His miſfortunes, not his title, were reſpected; and the French priſoners, conquered by this elevation of mind, more than by their late diſcomfiture, burſt into tears of admiration; which were only checked by the reflection, that ſuch genuine and unaltered heroiſm in an enemy muſt certainly in the iſſue prove but the more dangerous to their native country[i].

All the Engliſh and Gaſcon knights imitated the generous example ſet them by their prince. The captives were every where treated with humanity, and were ſoon after diſmiſſed, on paying moderate ranſoms to the perſons into whoſe hands they had fallen. The extent of their fortunes was conſidered; and an attention was given, that they ſhould ſtill have ſufficient means left to perform their military ſervice in a manner ſuitable to their rank and quality. Yet ſo numerous were the noble priſoners, that theſe ranſoms, added to the ſpoils gained in the field, were ſufficient to enrich the prince's army; and as they had ſuffered very little in the action, their joy and exultation were complete.

The prince of Wales conducted his priſoner to Bourdeaux; and not being provided with forces ſo numerous as might enable him to puſh his preſent advantages, he concluded a two years truce with France[k], which was alſo become requiſite, that he might conduct the captive king with ſafety into England. He landed at Southwark, and was met by a great concourſe of people of all ranks and ſta-
24th May. tions. The priſoner was clad in royal apparel, and mounted on a white ſteed, diſtinguiſhed by its ſize and beauty, and by the richneſs of its furniture. The conqueror rode by his ſide in a meaner attire, and carried by a black palfry. In this ſituation, more

[i] Froiſſard, liv. i. chap. 168.

[k] Rymer, vol. vi. p. 3.

glorious

glorious than all the insolent parade of a Roman triumph, he passed through the streets of London, and presented the king of France to his father, who advanced to meet him, and received him with the same courtesy as if he had been a neighbouring potentate that had voluntarily come to pay him a friendly visit[l]. It is impossible, in reflecting on this noble conduct, not to perceive the advantages which resulted from the otherwise whimsical principles of chivalry, and which gave men, in those rude times, some superiority even over people of a more cultivated age and nation.

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THE king of France, besides the generous treatment which he met with in England, had the melancholy consolation of the wretched, to see companions in affliction. The king of Scots had been eleven years a captive in Edward's hands; and the good fortune of this latter monarch had reduced at once the two neighbouring potentates, with whom he was engaged in war, to be prisoners in his capital. But Edward, finding that the conquest of Scotland was nowise advanced by the captivity of its sovereign, and that the government, conducted by Robert Stuart his nephew and heir, was still able to defend itself, consented to restore David Bruce to his liberty, for the ransom of 100,000 marks sterling; and that prince delivered the sons of all his principal nobility as hostages for the payment[m].

1358. State of France.

MEANWHILE, the captivity of John, joined to the preceding disorders of the French government, had produced in that country a dissolution, almost total, of civil authority, and had occasioned confusions, the most horrible and destructive that had ever been experienced in any age or in any nation. The dauphin, now about eighteen years of age, naturally assumed the royal power during his father's captivity; but though endowed with an excellent capacity, even in such early years, he possessed nei-

[l] Froissard, liv. i. chap. 173. [m] Rymer, vol. vi. p. 45. 46. 52. 56. Froissard, liv i. chap. 174. Walsingham, p. 173.

CHAP. XVI. 1358.

ther experience nor authority sufficient to defend a state, assailed at once by foreign power and shaken by intestine faction. In order to obtain supply, he assembled the states of the kingdom: That assembly, instead of supporting his administration, were themselves seized with the spirit of confusion; and laid hold of the present opportunity to demand limitations of the prince's power, the punishment of past malversations, and the liberty of the king of Navarre. Marcel, provost of the merchants, and first magistrate of Paris, put himself at the head of the unruly populace; and from the violence and temerity of his character, pushed them to commit the most criminal outrages against the royal authority. They detained the dauphin in a sort of captivity; they murdered in his presence Robert de Clermont and John de Conflans, mareschals, the one of Normandy, the other of Burgundy; they threatened all the other ministers with a like fate; and when Charles, who was obliged to temporise and dissemble, made his escape from their hands, they levied war against him, and openly erected the standard of rebellion. The other cities of the kingdom, in imitation of the capital, shook off the dauphin's authority; took the government into their own hands; and spread the disorder into every province. The nobles, whose inclinations led them to adhere to the crown, and were naturally disposed to check these tumults, had lost all their influence; and being reproached with cowardice, on account of the base desertion of their sovereign in the battle of Poictiers, were treated with universal contempt by the inferior orders. The troops, who, from the deficiency of pay, were no longer retained in discipline, threw off all regard to their officers, sought the means of subsistence by plunder and robbery, and associating to them all the disorderly people, with whom that age abounded, formed numerous bands, which infested all parts of the kingdom. They desolated the open country; burned and plundered

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dered the villages; and by cutting off all means of communication or ſubſiſtence, reduced even the inhabitants of the walled towns to the moſt extreme neceſſity. The peaſants, formerly oppreſſed and now left unprotected by their maſters, became deſperate from their preſent miſery; and riſing every where in arms, carried to the laſt extremity thoſe diſorders which were derived from the ſedition of the citizens and diſbanded ſoldiers[n]. The gentry, hated for their tyranny, were every where expoſed to the violence of popular rage; and inſtead of meeting with the regard due to their paſt dignity, became only, on that account, the object of more wanton inſult to the mutinous peaſants. They were hunted like wild beaſts, and put to the ſword without mercy: Their caſtles were conſumed with fire, and levelled to the ground: Their wives and daughters were firſt raviſhed, then murdered: The ſavages proceeded ſo far as to impale ſome gentlemen, and roaſt them alive before a ſlow fire: A body of nine thouſand of them broke into Meux, where the wife of the dauphin, with above 300 ladies, had taken ſhelter: The moſt brutal treatment and moſt atrocious cruelty were juſtly dreaded by this helpleſs company: But the Captal de Buche, though in the ſervice of Edward, yet moved by generoſity and by the gallantry of a true knight, flew to their reſcue, and beat off the peaſants with great ſlaughter. In other civil wars, the oppoſite factions, falling under the government of their ſeveral leaders, commonly preſerve ſtill the veſtige of ſome rule and order: But here the wild ſtate of nature ſeemed to be renewed: Every man was thrown looſe and independent of his fellows: And the populouſneſs of the country, derived from the preceding police of civil ſociety, ſerved only to increaſe the horror and confuſion of the ſcene.

AMIDST theſe diſorders, the king of Navarre made his eſcape from priſon, and preſented a dan-

n Froiſſard, liv. i. chap. 182, 183, 184.

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gerous leader to the furious malcontents [o]. But the ſplendid talents of this prince qualified him only to do miſchief, and to increaſe the public diſtractions: He wanted the ſteadineſs and prudence requiſite for making his intrigues ſubſervient to his ambition, and forming his numerous partizans into a regular faction. He revived his pretenſions, ſomewhat obſolete, to the crown of France: But while he advanced this claim, he relied entirely on his alliance with the Engliſh, who were concerned in intereſt to diſappoint his pretenſions; and who, being public and inveterate enemies to the ſtate, ſerved only, by the friendſhip which they ſeemingly bore him, to render his cauſe the more odious. And in all his operations he acted more like a leader of banditti, than one who aſpired to be the head of a regular government, and who was engaged, by his ſtation, to endeavour the re-eſtabliſhment of order in the community.

The eyes, therefore, of all the French, who wiſhed to reſtore peace to their miſerable and deſolated country, were turned towards the dauphin; and that young prince, though not remarkable for his military talents, poſſeſſed ſo much prudence and ſpirit, that he daily gained the aſcendant over all his enemies. Marcel, the ſeditious provoſt of Paris, was ſlain while he was attempting to deliver the city to the king of Navarre and the Engliſh; and the capital immediately returned to its duty [p]. The moſt conſiderable bodies of the mutinous peaſants were diſperſed and put to the ſword: Some bands of military robbers underwent the ſame fate: And though many grievous diſorders ſtill remained, France began gradually to aſſume the face of a regular civil government, and to form ſome plan for its defence and ſecurity.

During the confuſion in the dauphin's affairs, Edward ſeemed to have a favourable opportunity for

o Froiſſard, liv. i. chap. 181. p Ibid. chap. 187.

puſhing

pushing his conquests: But besides that his hands were tied by the truce, and he could only assist underhand the faction of Navarre; the state of the English finances and military power during those ages, rendered the kingdom incapable of making any regular or steady effort, and obliged it to exert its force at very distant intervals, by which all the projected ends were commonly disappointed. Edward employed himself, during a conjuncture so inviting, chiefly in negotiations with his prisoner; and John had the weakness to sign terms of peace, which, had they taken effect, must have totally ruined and dismembered his kingdom. He agreed to restore all the provinces which had been possessed by Henry II. and his two sons, and to annex them for ever to England, without any obligation of homage or fealty on the part of the English monarch. But the dauphin and the states of France rejected this treaty, so dishonourable and pernicious to the kingdom[q]; and Edward, on the expiration of the truce, having now by subsidies and frugality collected some treasure, prepared himself for a new invasion of France. CHAP. XVI. 1358.

THE great authority and renown of the king and the prince of Wales, the splendid success of their former enterprises, and the certain prospect of plunder from the defenceless provinces of France, soon brought together the whole military power of England; and the same motives invited to Edward's standard all the hardy adventurers of the different countries of Europe[r]. He passed over to Calais, where he assembled an army of near a hundred thousand men; a force which the dauphin could not pretend to withstand in the open field: That prince, therefore, prepared himself to elude a blow which it was impossible for him to resist. He put all the considerable towns in a posture of defence, ordered them

q Froissard, liv. i. chap. 201. r Ibid. chap. 205.

CHAP. XVI. 1358. to be supplied with magazines and provisions; distributed proper garrisons in all places; secured every thing valuable in the fortified cities; and chose his own station at Paris, with a view of allowing the enemy to vent their fury on the open country.

1359. 4th Nov. THE king, aware of this plan of defence, was obliged to carry along with him six thousand waggons, loaded with provisions necessary for the subsistence of his army. After ravaging the province of Picardy, he advanced into Champagne; and having a strong desire of being crowned king of France at Rheims, the usual place in which this ceremony is performed, he laid siege to that city, and carried on his attacks, though without success, for the space of seven weeks [s]. The place was bravely defended by the inhabitants, encouraged by the exhortations of the archbishop John de Craon; till the advanced season (for this expedition was entered upon in the beginning of winter) obliged the king to raise the siege. The province of Champagne meanwhile was desolated by his incursions; and he thence conducted his army with a like intent into Burgundy. He took and pillaged Tonnerre, Gaillon, Avalon, and other small places; but the duke of Burgundy, that he might preserve his country from farther ravages, consented to pay him the sum of 100,000 nobles [t]. Edward then bent his march towards the Nivernois, which saved itself by a like composition: He laid waste Brie and the Gatinois; and after a long march, very destructive to France, and somewhat ruinous to his own troops, he appeared before the gates of Paris, and taking up his quarters at Bourg-la-Reine, extended his army to Long-jumeau, Mont-rouge, and Vaugirard. He tried to provoke the dauphin to hazard a battle, by sending him a defiance; but

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[s] Froissard, liv. i. chap. 208. Walsing. p. 174.
[t] Rymer, vol. vi. p. 161. Walsing. p. 174.

could

could not make that prudent prince change his plan of operations. Paris was safe from the danger of an assault by its numerous garrison; from that of a blockade by its well supplied magazines: And as Edward himself could not subsist his army in a country wasted by foreign and domestic enemies, and left also empty by the precaution of the dauphin, he was obliged to remove his quarters; and he spread his troops into the provinces of Maine, Beausse, and the Chartraine, which were abandoned to the fury of their devastations [u]. The only repose which France experienced, was during the festival of Easter, when the king stopped the course of his ravages. For superstition can sometimes restrain the rage of men, which neither justice nor humanity is able to control.

WHILE the war was carried on in this ruinous manner, the negociations for peace were never interrupted: But as the king still insisted on the full execution of the treaty, which he had made with his prisoner at London, and which was strenuously rejected by the dauphin, there appeared no likelihood of an accommodation. The earl, now duke of Lancaster (for this title was introduced into England during the present reign) endeavoured to soften the rigour of these terms, and to finish the war on more equal and reasonable conditions. He insisted with Edward, that notwithstanding his great and surprising successes, the object of the war, if such were to be esteemed the acquisition of the crown of France, was not become any nearer than at the commencement of it; or rather was set at a greater distance by those very victories and advantages which seemed to lead to it. That his claim of succession had not from the first procured him one partisan in the kingdom; and the continuance of these destructive hostilities had united every Frenchman in the

[u] Walsing. p. 175.

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most implacable animosity against him. That though intestine faction had creeped into the government of France, it was abating every moment; and no party, even during the greatest heat of the contest, when subjection under a foreign enemy usually appears preferable to the dominion of fellow-citizens, had ever adopted the pretensions of the king of England. That the king of Navarre himself, who alone was allied with the English, instead of being a cordial friend, was Edward's most dangerous rival, and, in the opinion of his partisans, possessed a much preferable title to the crown of France. That the prolongation of the war, however it might enrich the English soldiers, was ruinous to the king himself, who bore all the charges of the armament, without reaping any solid or durable advantage from it. That if the present disorders of France continued, that kingdom would soon be reduced to such a state of desolation, that it would afford no spoils to its ravagers; if it could establish a more steady government, it might turn the chance of war in its favour, and by its superior force and advantages be able to repel the present victors. That the dauphin, even during his greatest distresses, had yet conducted himself with so much prudence, as to prevent the English from acquiring one foot of land in the kingdom; and it were better for the king to accept by a peace what he had in vain attempted to acquire by hostilities, which, however hitherto successful, had been extremely expensive, and might prove very dangerous: And that Edward having acquired so much glory by his arms, the praise of moderation was the only honour to which he could now aspire; an honour so much the greater, as it was durable, was united with that of prudence, and might be attended with the most real advantages [w].

[w] Froissard, liv. i. chap. 211.

THESE

CHAP. XVI. 1360. Peace of Bretigni.

THESE reaſons induced Edward to accept of more moderate terms of peace; and it is probable that, in order to palliate this change of reſolution, he aſcribed it to a vow made during a dreadful tempeſt, which attacked his army on their march, and which ancient hiſtorians repreſent as the cauſe of this ſudden accommodation [x]. The conferences between the Engliſh and French commiſſioners were carried on during a few days at Bretigni in the Chartraine, and the peace was at laſt concluded on the following conditions [y]. (8th May.) It was ſtipulated that king John ſhould be reſtored to his liberty, and ſhould pay as his ranſom three millions of crowns of gold, about 1,500,000 pounds of our preſent money [z]; which was to be diſcharged at different payments: That Edward ſhould for ever renounce all claim to the crown of France, and to the provinces of Normandy, Maine, Touraine, and Anjou, poſſeſſed by his anceſtors; and ſhould receive in exchange the provinces of Poictou, Xaintonge, l'Agenois, Perigort, the Limouſin, Quercy, Rovergue, l'Angoumois, and other diſtricts in that quarter, together with Calais, Guiſnes, Montreuil, and the county of Ponthieu, on the other ſide of France: That the full ſovereignty of all theſe provinces, as well as that of Guienne, ſhould be veſted in the crown of England, and that France ſhould renounce all title to feudal juriſdiction, homage, or appeal from them: That the king of Navarre ſhould be reſtored to all his honours and poſſeſſions: That Edward ſhould renounce his confederacy with the Flemings, John his connexions with the Scots: That the diſputes concerning the ſucceſſion of Britanny, between the families of Blois and Mountfort, ſhould be decided by arbiters appointed by the two kings; and if the competitors refuſed to ſubmit to the

[x] Froiſſard, liv. i. chap. 211.
[y] Rymer, vol. vi. p. 178. Froiſſard, liv. i. chap. 212.
[z] See note [K] at the end of the volume.

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award, the dispute should no longer be a ground of war between the kingdoms: And that forty hostages, such as should be agreed on, should be sent to England as a security for the execution of all these conditions [a].

8th July. In consequence of this treaty, the king of France was brought over to Calais; whither Edward also soon after repaired: And there both princes solemnly ratified the treaty. John was sent to Boulogne; the king accompanied him a mile on his journey; and the two monarchs parted with many professions, probably cordial and sincere, of mutual amity [b]. The good disposition of John made him fully sensible of the generous treatment which he had received in England, and obliterated all memory of the ascendant gained over him by his rival. There seldom has been a treaty of so great importance so faithfully executed by both parties. Edward had scarcely from the beginning entertained any hopes of acquiring the crown of France: By restoring John to his liberty, and making peace at a juncture so favourable to his arms, he had now plainly renounced all pretensions of this nature: He had sold at a very high price that chimerical claim: And had at present no other interest than to retain those acquisitions which he had made with such singular prudence and good fortune. John, on the other hand, though the terms were severe, possessed such fidelity and honour, that he was determined at all hazards to execute them, and to use every expedient for satisfying a monarch who had indeed been his greatest

[a] The hostages were the two sons of the French king, John and Lewis; his brother Philip duke of Orleans, the duke of Bourbon, James de Bourbon count de Ponthieu, the counts d'Eu, de Longueville, de St. Pol. de Harcourt, de Vendome, de Couci, de Craon, de Montmorency, and many of the chief nobility of France. The princes were mostly released on the fulfilling of certain articles: Others of the hostages, and the duke of Berry among the rest, were permitted to return upon their parole, which they did not keep. Rymer, vol. vi. p. 278. 285. 287.

[b] Froissard, liv. i. chap. 213.

political enemy, but had treated him perſonally with ſingular humanity and regard. But, notwithſtanding his endeavours, there occurred many difficulties in fulfilling his purpoſe; chiefly from the extreme reluctance which many towns and vaſſals in the neighbourhood of Guienne expreſſed againſt ſubmitting to the Engliſh dominion[c]; and John, in order to adjuſt theſe differences, took a reſolution of coming over himſelf to England. His council endeavoured to diſſuade him from this raſh deſign; and probably would have been pleaſed to ſee him employ more chicanes for eluding the execution of ſo diſadvantageous a treaty: But John replied to them, that though good faith were baniſhed from the reſt of the earth, ſhe ought ſtill to retain her habitation in the breaſts of princes. Some hiſtorians would detract from the merit of this honourable conduct, by repreſenting John as enamoured of an Engliſh lady, to whom he was glad on this pretence to pay a viſit: But beſides that this ſurmiſe is not founded on any good authority, it appears ſomewhat unlikely, on account of the advanced age of that prince, who was now in his fifty-ſixth year. He was lodged in the Savoy; the palace where he had reſided during his captivity, and where he ſoon after ſickened and died. Nothing can be a ſtronger proof of the great dominion of fortune over men, than the calamities which purſued a monarch of ſuch eminent valour, goodneſs, and honour, and which he incurred merely by reaſon of ſome ſlight imprudences, which in other ſituations would have been of no importance. But though both his reign and that of his father proved extremely unfortunate to their kingdom, the French crown acquired, during their time, very conſiderable acceſſions, thoſe of Dauphiny and Burgundy. This latter province, however, John had the imprudence again to diſmember

1360. 1363. 1364. 8th April.

c Froiſſard, liv. i. chap. 214.

 by

CHAP. XVI. 1364. by beftowing it on Philip his fourth fon, the object of his moft tender affections [f]; a deed which was afterwards the fource of many calamities to the kingdom.

JOHN was fucceeded in the throne by Charles the dauphin, a prince educated in the fchool of adverfity, and well qualified, by his confummate prudence and experience, to repair all the loffes which the kingdom had fuftained from the errors of his two predeceffors. Contrary to the practice of all the great princes of thofe times, which held nothing in eftimation but military courage, he feems to have fixed it as a maxim never to appear at the head of his armies; and he was the firft king in Europe that fhewed the advantage of policy, forefight, and judgment, above a rafh and precipitate valour. The events of his reign, compared with thofe of the preceding, are a proof how little reafon kingdoms have to value themfelves on their victories, or to be humbled by their defeats; which in reality ought to be afcribed chiefly to the good or bad conduct of their rulers, and are of little moment towards determining national characters and manners.

State of France.

BEFORE Charles could think of counterbalancing fo great a power as England, it was neceffary for him to remedy the many diforders to which his own kingdom was expofed. He turned his arms againft the king of Navarre, the great difturber of France during that age: He defeated this prince by the conduct of Bertrand du Guefclin, a gentleman of Britanny, one of the moft accomplifhed characters of the age, whom he had the difcernment to chufe as the inftrument of all his victories [g]: And he obliged his enemy to accept of moderate terms of peace. Du Guefclin was lefs fortunate in the wars of Britanny, which ftill continued, notwithftanding

[f] Rymer, vol. vi. p. 421. [g] Froiffard, liv. i. chap. 119, 120.

the

the mediation of France and England: He was defeated and taken prisoner at Auray by Chandos: Charles of Blois was there ſlain, and the young count of Mountfort ſoon after got entire poſſeſſion of that dutchy[h]. But the prudence of Charles broke the force of this blow: He ſubmitted to the deciſion of fortune: He acknowledged the title of Mountfort, though a zealous partiſan of England; and received the proffered homage for his dominions. But the chief obſtacle which the French king met with in the ſettlement of the ſtate proceeded from obſcure enemies, whom their crimes alone rendered eminent, and their number dangerous.

On the concluſion of the treaty of Bretigni, the many military adventurers who had followed the ſtandard of Edward, being diſperſed into the ſeveral provinces, and poſſeſſed of ſtrong holds, refuſed to lay down their arms, or relinquiſh a courſe of life to which they were now accuſtomed, and by which alone they could gain a ſubſiſtence[i]. They aſſociated themſelves with the banditti, who were already enured to the habits of rapine and violence; and under the name of the *companies* and *companions*, became a terror to all the peaceable inhabitants. Some Engliſh and Gaſcon gentlemen of character, particularly ſir Matthew Gournay, ſir Hugh Calverly, the chevalier Verte, and others, were not aſhamed to take the command of theſe ruffians, whoſe numbers amounted on the whole to near 40,000, and who bore the appearance of regular armies, rather than bands of robbers. Theſe leaders fought pitched battles with the troops of France, and gained victories; in one of which Jaques de Bourbon, a prince of the blood, was ſlain[k]: And they proceeded to ſuch a height, that they wanted little but regular eſtabliſhments to become princes, and thereby ſanc-

h Froiſſard, liv. i. chap. 227, 228, &c. Walſing. p. 180.
i Froiſſard, liv. i. chap. 214. k Ibid. chap. 214, 215.

CHAP. XVI. 1364. tify, by the maxims of the world, their infamous profession. The greater spoil they committed on the country, the more easy they found it to recruit their number: All those who were reduced to misery and despair flocked to their standard: The evil was every day increasing: And though the pope declared them excommunicated, these military plunderers, however deeply affected with the sentence, to which they paid a much greater regard than to any principles of morality, could not be induced by it to betake themselves to peaceable or lawful professions.

1366. As Charles was not able by power to redress so enormous a grievance, he was led by necessity, and by the turn of his character, to correct it by policy, and to contrive some method of discharging into foreign countries this dangerous and intestine evil.

Peter, king of Castile, stigmatized by his contemporaries and by posterity with the epithet of *Cruel*, had filled with blood and murder his kingdom and his own family; and having incurred the universal hatred of his subjects, he kept, from present terror alone, an anxious and precarious possession of the throne. His nobles fell every day the victims of his severity: He put to death several of his natural brothers from groundless jealousy: Each murder, by multiplying his enemies, became the occasion of fresh barbarities: And as he was not destitute of talents, his neighbours, no less than his own subjects, were alarmed at the progress of his violence and injustice. The ferocity of his temper, instead of being softened by his strong propensity to love, was rather inflamed by that passion, and took thence new occasion to exert itself. Instigated by Mary de Padilla, who had acquired the ascendant over him, he threw into prison Blanche de Bourbon, his wife, sister to the queen of France; and soon after made way by poison for the espousing of his mistress.

1366.

Henry, count of Tranſtamare, his natural brother, ſeeing the fate of every one who had become obnoxious to this tyrant, took arms againſt him; but being foiled in the attempt, he ſought for refuge in France, where he found the minds of men extremely inflamed againſt Peter, on account of his murder of the French princeſs. He aſked permiſſion of Charles to enliſt the *companies* in his ſervice, and to lead them into Caſtile; where, from the concurrence of his own friends, and the enemies of his brother, he had the proſpect of certain and immediate ſucceſs. The French king, charmed with the project, employed du Gueſclin in negotiating with the leaders of theſe banditti. The treaty was ſoon concluded. The high character of honour which that general poſſeſſed made every one truſt to his promiſes: Though the intended expedition was kept a ſecret, the companies implicitly inliſted under his ſtandard: And they required no other condition before their engagement, than an aſſurance that they were not to be led againſt the prince of Wales in Guienne. But that prince was ſo little averſe to the enterpriſe, that he allowed ſome gentlemen of his retinue to enter into the ſervice under du Gueſclin.

Du Guesclin, having completed his levies, led the army firſt to Avignon, where the pope then reſided, and demanded, ſword in hand, an abſolution for his ſoldiers, and the ſum of 200,000 livres. The firſt was readily promiſed him; ſome more difficulty was made with regard to the ſecond. "I "believe that my fellows," replied du Gueſclin, "may make a ſhift to do without your abſolution; "but the money is abſolutely neceſſary." The pope then extorted from the inhabitants in the city and neighbourhood the ſum of a hundred thouſand livres, and offered it to du Gueſclin. "It is not "my purpoſe," cried that generous warrior, "to "oppreſs the innocent people. The pope and his "cardinals themſelves can well ſpare me that ſum "from

CHAP. XVI. 1366.

"from their own coffers. This money, I insist, "must be restored to the owners. And should "they be defrauded of it, I shall myself return "from the other side of the Pyrennees, and oblige "you to make them restitution." The pope found the necessity of submitting, and paid him from his treasury the sum demanded [l]. The army, hallowed by the blessings, and enriched by the spoils of the church, proceeded on their expedition.

These experienced and hardy soldiers, conducted by so able a general, easily prevailed over the king of Castile, whose subjects, instead of supporting their oppressor, were ready to join the enemy against him [m]. Peter fled from his dominions, took shelter in Guienne, and craved the protection of the prince of Wales, whom his father had invested with the sovereignty of these conquered provinces, by the title of the principality of Aquitaine [n]. The prince seemed now to have entirely changed his sentiments with regard to the Spanish transactions: Whether that he was moved by the generosity of supporting a distressed prince, and thought, as is but too usual among sovereigns, that the rights of the people were a matter of much less consideration; or dreaded the acquisition of so powerful a confederate to France as the new king of Castile; or, what is most probable, was impatient of rest and ease, and sought only an opportunity for exerting his military talents, by which he had already acquired so much renown.

1367. Expedition into Castile.

He promised his assistance to the dethroned monarch; and having obtained the consent of his father, he levied a great army, and set out upon his enterprise. He was accompanied by his younger brother, John of Gaunt, created duke of Lancaster, in the room of the good prince of that name, who had died without any male issue, and whose

[l] Hist. du Guesclin. [m] Froissard, liv. i. chap. 230.
[n] Rymer, vol. vi. p. 384. Froissad, liv. i. chap. 231.

daughter

1367.

daughter he had espoused. Chandos also, who bore among the English the same character which du Guesclin had acquired among the French, commanded under him in this expedition.

THE first blow which the prince of Wales gave to Henry of Transtamare, was the recalling of all the *companies* from his service; and so much reverence did they bear to the name of Edward, that great numbers of them immediately withdrew from Spain, and inlisted under his banners. Henry, however, beloved by his new subjects, and supported by the king of Arragon and others of his neighbours, was able to meet the enemy with an army of 100,000 men; forces three times more numerous than those which were commanded by Edward. Du Guesclin, and all his experienced officers, advised him to delay any decisive action, to cut off the prince of Wales's, provisions, and to avoid every engagement with a general, whose enterprises had hitherto been always conducted with prudence and crowned with success. Henry trusted too much to his numbers; and ventured to encounter the English prince at Najara[o]. Historians of that age are commonly very copious in describing the shock of armies in battle, the valour of the combatants, the slaughter and various successes of the day: But though small rencounters in those times were often well disputed, military discipline was always too imperfect to preserve order in great armies; and such actions deserve more the name of routs than of battles. Henry was chased off the field, with the loss of above 20,000 men: There perished only four knights and forty private men on the side of the English.

3d April.

PETER, who so well merited the infamous epithet which he bore, purposed to murder all his prisoners

[o] Froissard, liv. i. chap. 241.

in

CHAP. XVI. 1367.

in cold blood; but was reftrained from this barbarity by the remonftrances of the prince of Wales. All Caftile now fubmitted to the victor: Peter was reftored to the throne: And Edward finifhed this perilous enterprife with his ufual glory. But he had foon reafon to repent his connexions with a man like Peter, abandoned to all fenfe of virtue and honour. The ungrateful tyrant refufed the ftipulated pay to the Englifh forces; and Edward, finding his foldiers daily perifh by ficknefs, and even his own health impaired by the climate, was obliged, without receiving any fatisfaction on this head, to return into Guienne[p].

THE barbarities exercifed by Peter over his helplefs fubjects, whom he now regarded as vanquifhed rebels, revived all the animofity of the Caftilians againft him; and, on the return of Henry of Transtamare, together with du Guefclin, and fome forces levied anew in France, the tyrant was again dethroned, and was taken prifoner. His brother, in refentment of his cruelties, murdered him with his own hand; and was placed on the throne of Caftile, which he tranfmitted to his pofterity. The duke of Lancafter, who efpoufed in fecond marriage the eldeft daughter of Peter, inherited only the empty title of that fovereignty, and, by claiming the fucceffion, increafed the animofity of the new king of Caftile againft England.

1368. Rupture with France.

BUT the prejudice which the affairs of prince Edward received from this fplendid though imprudent expedition, ended not with it. He had involved himfelf in fo much debt, by his preparations and the pay of his troops, that he found it neceffary, on his return, to impofe on his principality a new tax, to which fome of the nobility confented with extreme reluctance, and to which

[p] Froiffard, liv. i. chap. 242, 243. Walfingham, p. 182.

others

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others absolutely refused to submit[q]. This incident revived the animosity which the inhabitants bore to the English, and which all the amiable qualities of the prince of Wales were not able to mitigate or assuage. They complained that they were considered as a conquered people, that their privileges were disregarded, that all trust was given to the English alone, that every office of honour and profit was conferred on these foreigners, and that the extreme reluctance which most of them had expressed to receive the new yoke, was likely to be long remembered against them. They cast, therefore, their eyes towards their ancient sovereign, whose prudence they found had now brought the affairs of his kingdom into excellent order; and the counts of Armagnac, Comminge, and Perigord, the lord d'Albret, with other nobles, went to Paris, and were encouraged to carry their complaints to Charles, as to their lord paramount, against these oppressions of the English government[r].

In the treaty of Bretigni it had been stipulated that the two kings should make renunciations, Edward of his claim to the crown of France, and to the provinces of Normandy, Maine, and Anjou; John of the homage and fealty due for Guienne, and the other provinces ceded to the English. But when that treaty was confirmed and renewed at Calais, it was found necessary, as Edward was not yet in possession of all the territories, that the

q This tax was a livre upon a hearth; and it was imagined that the imposition would have yielded 1,200,000 livres a year, which supposes so many hearths in the provinces possessed by the English. But such loose conjectures have commonly no manner of authority, much less in such ignorant times. There is a strong instance of it in the present reign. The house of commons granted the king a tax of twenty-two shillings on each parish, supposing that the amount of the whole would be 50,000 pounds. But they were found to be in a mistake of near five to one. Cotton, p. 3. And the council assumed the power of augmenting the tax upon each parish.

r Froissard, liv. i. chap. 244.

mutual

CHAP. XVI. 1368. mutual renunciations ſhould for ſome time be deferred; and it was agreed that the parties meanwhile ſhould make no uſe of their reſpective claims againſt each other[s]. Though the failure in exchanging theſe renunciations had ſtill proceeded from France[t], Edward appears to have taken no umbrage at it; both becauſe this clauſe ſeemed to give him entire ſecurity, and becauſe ſome reaſonable apology had probably been made to him for each delay. It was, however, on this pretence, though directly contrary to treaty, that Charles reſolved to ground his claim, of ſtill conſidering himſelf as ſuperior lord of thoſe provinces, and of receiving the appeals of his ſub-vaſſals[u].

1369. BUT as views of policy, more than thoſe of juſtice, enter into the deliberations of princes; and as the mortal injuries received from the Engliſh, the pride of their triumphs, the ſevere terms impoſed by the treaty of peace, ſeemed to render every prudent means of revenge honourable againſt them; Charles was determined to take this meaſure, leſs by the reaſonings of his civilians and lawyers than by the preſent ſituation of the two monarchies. He conſidered the declining years of Edward, the languiſhing ſtate of the prince of Wales's health, the affection which the inhabitants of all theſe provinces bore to their ancient maſter, their diſtance from England, their vicinity to France, the extreme animoſity expreſſed by his own ſubjects againſt theſe invaders, and their ardent thirſt of vengeance; and having ſilently made all the neceſſary preparations, he ſent to the prince of Wales a ſummons to appear in his court at Paris, and there to juſtify his conduct towards his vaſſals. The prince replied, that he would come to Paris; but it ſhould be at the head of ſixty thouſand men[w]. The unwarlike cha-

s Rymer, vol. vi. p. 219. 230. 234. 237. 243. t Rot. Franc. 35 Ed. III. m. 3. from Tyrrell, vol. iii. p. 643. u Froiſſard, liv. i. chap. 245. w Ibid. chap. 247, 248.

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racter of Charles kept prince Edward, even yet, from thinking that that monarch was in earnest in this bold and hazardous attempt.

It soon appeared what a poor return the king had received by his distant conquests for all the blood and treasure expended in the quarrel, and how impossible it was to retain acquisitions, in an age when no regular force could be maintained sufficient to defend them against the revolt of the inhabitants, especially if that danger was joined with the invasion of a foreign enemy. Charles fell first upon Ponthieu, which gave the English an inlet into the heart of France: The citizens of Abbeville opened their gates to him[x]: Those of St. Valori, Rue, and Crotoy, imitated the example, and the whole country was in a little time reduced to submission. The dukes of Berri and Anjou, brothers to Charles, being assisted by du Guesclin, who was recalled from Spain, invaded the southern provinces; and by means of their good conduct, the favourable dispositions of the people, and the ardour of the French nobility, they made every day considerable progress against the English. The state of the prince of Wales's health did not permit him to mount on horseback, or exert his usual activity: Chandos, the constable of Guienne, was slain in one action[y]: The Captal de Buche, who succeeded him in that office, was taken prisoner in another[z]: And when young Edward himself was obliged by his increasing infirmities to throw up the command, and return to his native country, the affairs of the English in the south of France seemed to be menaced with total ruin.

Ill success of the English.

The king, incensed at these injuries, threatened to put to death all the French hostages who remained in his hands; but on reflection abstained from that ungenerous revenge. After resuming, by advice

x Walsingham, p. 183. y Froissard, liv. i. chap. 277. Walsingham, p. 185. z Froissard, liv. i. chap. 310.

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of parliament, the vain title of king of France[a], he endeavoured to ſend ſuccours into Gaſcony; but all his attempts both by ſea and land proved unſucceſsful. The earl of Pembroke was intercepted at ſea, and taken priſoner with his whole army near Rochelle, by a fleet which the king of Caſtile had fitted out for that purpoſe[b]: Edward himſelf embarked for Bourdeaux with another army; but was ſo long detained by contrary winds, that he was obliged to lay aſide the enterpriſe[c]. Sir Robert Knolles, at the head of 30,000 men, marched out of Calais, and continued his ravages to the gates of Paris, without being able to provoke the enemy to an engagement: He proceeded in his march to the provinces of Maine and Anjou, which he laid waſte; but part of his army being there defeated by the conduct of du Gueſclin, who was now created conſtable of France, and who ſeems to have been the firſt conſummate general that had yet appeared in Europe, the reſt were ſcattered and diſperſed, and the ſmall remains of the Engliſh forces, inſtead of reaching Guienne, took ſhelter in Britanny, whoſe ſovereign had embraced the alliance of England[d]. The duke of Lancaſter, ſome time after, made a like attempt with an army of 25,000 men; and marched the whole length of France from Calais to Bourdeaux; but was ſo much haraſſed by the flying parties which attended him, that he brought not the half of his army to the place of their deſtination. Edward, from the neceſſity of his affairs, was at laſt obliged to conclude a truce with the enemy[e]; after almoſt all his ancient poſſeſſions in France had been raviſhed from him, except Bourdeaux and Bayonne, and all his conqueſts, except Calais.

The decline of the king's life was expoſed to many mortifications, and correſponded not to the

[a] Rymer, vol. vi. p. 621. Cotton's Abridg. p. 108.
[b] Froiſſard, liv. i. chap. 302, 303, 304. Walſingham, p. 186.
[c] Froiſſard, liv. i. chap. 311. Walſingham, p. 187.
[d] Froiſſard, liv. i. chap. 291. Walſingham, p. 185.
[e] Froiſſard, liv. i. chap. 321. Walſingham, p. 187.

ſplendid

splendid and noisy scenes which had filled the beginning and the middle of it. Besides seeing the loss of his foreign dominions, and being baffled in every attempt to defend them, he felt the decay of his authority at home, and experienced, from the sharpness of some parliamentary remonstrances, the great inconstancy of the people, and the influence of present fortune over all their judgments [f]. This prince, who, during the vigour of his age, had been chiefly occupied in the pursuits of war and ambition, began, at an unseasonable period, to indulge himself in pleasure; and being now a widower, he attached himself to a lady of sense and spirit, one Alice Pierce, who acquired a great ascendant over him, and by her influence gave such general disgust, that, in order to satisfy the parliament, he was obliged to remove her from court [g]. The indolence also, naturally attending old age and infirmities, had made him, in a great measure, resign the administration into the hands of his son the duke of Lancaster, who, as he was far from being popular, weakened extremely the affection which the English bore to the person and government of the king. Men carried their jealousies very far against the duke; and as they saw, with much regret, the death of the prince of Wales every day approaching, they apprehended, lest the succession of his son Richard, now a minor, should be defeated by the intrigues of Lancaster, and by the weak indulgence of the old king. But Edward, in order to satisfy both the people and the prince on this head, declared in parliament his grandson heir and successor to the crown; and thereby cut off all the hopes of the duke of Lancaster, if he ever had the temerity to entertain any.

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THE prince of Wales, after a lingering illness, died in the forty-sixth year of his age; and left a character illustrious for every eminent virtue, and

1376. 8th June. Death of the prince of Wales.

[f] Walsingham, p. 189. Ypod. Neust. p. 530.
[g] Walsingham, p. 189.

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from his earliest youth, till the hour he expired, unstained by any blemish. His valour and military talents formed the smallest part of his merit: His generosity, humanity, affability, moderation, gained him the affections of all men; and he was qualified to throw a lustre, not only on that rude age in which he lived, and which nowise infected him with its vices, but on the most shining period of ancient or modern history. The king survived about a year this melancholy incident: England was deprived at once of both these princes, its chief ornament and support: He expired in the sixty-fifth year of his age and the fifty-first of his reign; and the people were then sensible, though too late, of the irreparable loss which they had sustained.

1377. 21st June. Death and character of the king.

THE English are apt to consider with peculiar fondness the history of Edward III. and to esteem his reign, as it was one of the longest, the most glorious also, that occurs in the annals of their nation. The ascendant which they then began to acquire over France, their rival and supposed national enemy, makes them cast their eyes on this period with great complacency, and sanctifies every measure which Edward embraced for that end. But the domestic government of this prince is really more admirable than his foreign victories; and England enjoyed, by the prudence and vigour of his administration, a longer interval of domestic peace and tranquillity than she had been blest with in any former period, or than she experienced for many ages after. He gained the affections of the great, yet curbed their licentiousness: He made them feel his power, without their daring, or even being inclined, to murmur at it: His affable and obliging behaviour, his munificence and generosity, made them submit with pleasure to his dominion; his valour and conduct made them successful in most of their enterprises; and their unquiet spirits, directed against a public enemy, had no leisure to breed those disturbances to which they were natu-

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rally ſo much inclined, and which the frame of the government ſeemed ſo much to authoriſe. This was the chief benefit which reſulted from Edward's victories and conqueſts. His foreign wars were, in other reſpects, neither founded in juſtice, nor directed to any ſalutary purpoſe. His attempt againſt the king of Scotland, a minor and a brother-in-law, and the revival of his grandfather's claim of ſuperiority over that kingdom, were both unreaſonable and ungenerous; and he allowed himſelf to be too eaſily ſeduced, by the glaring proſpect of French conqueſts, from the acquiſition of a point which was practicable, and which, if attained, might really have been of laſting utility to his country and his ſucceſſors. The ſucceſs which he met with in France, though chiefly owing to his eminent talents, was unexpected; and yet, from the very nature of things, not from any unforeſeen accidents, was found, even during his life-time, to have procured him no ſolid advantages. But the glory of a conqueror is ſo dazzling to the vulgar, the animoſity of nations is ſo violent, that the fruitleſs deſolation of ſo fine a part of Europe as France, is totally diſregarded by us, and is never conſidered as a blemiſh in the character or conduct of this prince. And indeed, from the unfortunate ſtate of human nature, it will commonly happen, that a ſovereign of genius, ſuch as Edward, who uſually finds every thing eaſy in his domeſtic government, will turn himſelf towards military enterpriſes, where alone he meets with oppoſition, and where he has full exerciſe for his induſtry and capacity.

EDWARD had a numerous poſterity by his queen, Philippa of Hainault. His eldeſt ſon was the heroic Edward, uſually denominated the Black Prince, from the colour of his armour. This prince eſpouſed his couſin Joan, commonly called the *Fair Maid of Kent*, daughter and heir of his uncle, the earl of Kent, who was beheaded in the beginning of this reign. She was firſt married to ſir Thomas Holland,

 by

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by whom ſhe had children. By the prince of Wales ſhe had a ſon Richard, who alone ſurvived his father.

The ſecond ſon of king Edward (for we paſs over ſuch as died in their childhood) was Lionel duke of Clarence, who was firſt married to Elizabeth de Burgh, daughter and heir of the earl of Ulſter, by whom he left only one daughter, married to Edmund Mortimer earl of Marche. Lionel eſpouſed in ſecond marriage Violante, the daughter of the duke of Milan [h], and died in Italy ſoon after the conſummation of his nuptials, without leaving any poſterity by that princeſs. Of all the family, he reſembled moſt his father and elder brother in his noble qualities.

Edward's third ſon was John of Gaunt, ſo called from the place of his birth: He was created duke of Lancaſter; and from him ſprang that branch which afterwards poſſeſſed the crown. The fourth ſon of this royal family was Edmund, created earl of Cambridge by his father, and duke of York by his nephew. The fifth ſon was Thomas, who received the title of earl of Buckingham from his father, and that of duke of Glouceſter from his nephew. In order to prevent confuſion, we ſhall always diſtinguiſh theſe two princes by the titles of York and Glouceſter, even before they were advanced to them.

There were alſo ſeveral princeſſes born to Edward by Philippa; to wit, Iſabella, Joan, Mary, and Margaret, who eſpouſed, in the order of their names, Ingelram de Coucy earl of Bedford, Alphonſo king of Caſtile, John of Mountfort duke of Britanny, and John Haſtings earl of Pembroke. The princeſs Joan died at Bourdeaux before the conſummation of her marriage.

Miſcellaneous tranſactions of this reign.

It is remarked by an elegant hiſtorian, that conquerors, though uſually the bane of human kind, proved often, in thoſe feudal times, the moſt indulgent of ſovereigns. They ſtood moſt in need of

[h] Rymer, vol. vi. p. 564. [i] Dr. Robertſon's Hiſt. of Scotland, B. i.

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ſupplies from their people; and, not being able to compel them by force to ſubmit to the neceſſary impoſitions, they were obliged to make them ſome compenſation by equitable laws and popular conceſſions. This remark is, in ſome meaſure, though imperfectly, juſtified by the conduct of Edward III. He took no ſteps of moment without conſulting his parliament and obtaining their approbation, which he afterwards pleaded as a reaſon for their ſupporting his meaſures [k]. The parliament, therefore, roſe into greater conſideration during his reign, and acquired more regular authority, than in any former time; and even the houſe of commons, which, during turbulent and factious periods, was naturally depreſſed by the greater power of the crown and barons, began to appear of ſome weight in the conſtitution. In the later years of Edward, the king's miniſters were impeached in parliament, particularly lord Latimer, who fell a ſacrifice to the authority of the commons [l]; and they even obliged the king to baniſh his miſtreſs by their remonſtrances. Some attention was alſo paid to the election of their members; and lawyers, in particular, who were at that time men of character ſomewhat inferior, were totally excluded the houſe during ſeveral parliaments [m].

One of the moſt popular laws enacted by any prince, was the ſtatute which paſſed in the twenty-fifth of this reign [n], and which limited the caſes of high treaſon, before vague and uncertain, to three principal heads, conſpiring the death of the king, levying war againſt him, and adhering to his enemies; and the judges were prohibited, if any other caſes ſhould occur, from inflicting the penalty of treaſon without an application to parliament. The bounds of treaſon were indeed ſo much limited by this ſtatute, which ſtill remains in force without any alteration, that the lawyers were obliged to enlarge them, and to explain a conſpiracy for levying war

k Cotton's Abridg. p. 108. 120. l Ibid. p. 122.
m Cotton's Abridg. p. 18. n Chap. 2.

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against the king, to be equivalent to a conspiracy against his life; and this interpretation, seemingly forced, has, from the necessity of the case, been tacitly acquiesced in. It was also ordained, that a parliament should be held once a year, or oftener, if need be: A law, which, like many others, was never observed, and lost its authority by disuse [n].

Edward granted above twenty parliamentary confirmations of the Great Charter; and these concessions are commonly appealed to as proofs of his great indulgence to the people, and his tender regard for their liberties. But the contrary presumption is more natural. If the maxims of Edward's reign had not been in general somewhat arbitrary, and if the Great Charter had not been frequently violated, the parliament would never have applied for these frequent confirmations, which could add no force to a deed regularly observed, and which could serve to no other purpose than to prevent the contrary precedents from turning into a rule, and acquiring authority. It was indeed the effect of the irregular government during those ages, that a statute which had been enacted some years, instead of acquiring, was imagined to lose force by time, and needed to be often renewed by recent statutes of the same sense and tenour. Hence, likewise, that general clause so frequent in old acts of parliament, that the statutes enacted by the king's progenitors should be observed [o]; a precaution which, if we do not consider the circumstances of the times, might appear absurd and ridiculous. The frequent confirmations, in general terms, of the privileges of the church, proceeded from the same cause.

It is a clause in one of Edward's statutes, *that no man, of what state or condition soever, shall be put out of land or tenement, nor taken nor imprisoned, nor disherited, nor put to death, without being brought in answer by due process of the law* [p]. This privilege

[n] 4 Edw. III. chap. 14. [o] 36 Edw. III. cap. i. 37 Edw. III. cap. 1, &c. [p] 28 Edw. III. cap. 3.

was

was ſufficiently ſecured by a clauſe of the Great Charter, which had received a general confirmation in the firſt chapter of the ſame ſtatute. Why then is the clauſe ſo anxiouſly, and, as we may think, ſo ſuperfluouſly repeated? Plainly, becauſe there had been ſome late infringements of it, which gave umbrage to the commons [q].

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BUT there is no article in which the laws are more frequently repeated during this reign, almoſt in the ſame terms, than that of purveyance, which the parliament always calls an *outrageous* and *intolerable*, grievance, and the ſource of *infinite* damage to the people [r]. The parliament tried to aboliſh this prerogative altogether, by prohibiting any one from taking goods without the conſent of the owners [s], and by changing the *heinous name* of *purveyors*, as they term it, into that of *buyers* [t]: But the arbitrary conduct of Edward ſtill brought back the grievance upon them; though contrary both to the Great Charter and to many ſtatutes. This diſorder was in a great meaſure derived from the ſtate of the public finances and of the kingdom; and could therefore the leſs admit of remedy. The prince frequently wanted ready money; yet his family muſt be ſubſiſted: He was therefore obliged to employ force and violence for that purpoſe, and to give tallies, at what rate he pleaſed, to the owners of the goods which he laid hold of. The kingdom alſo abounded ſo little in commodities, and the interior communication was ſo imperfect, that, had the owners been ſtrictly protected by law, they could eaſily have exacted any price from the king; eſpecially in his frequent progreſſes when he came to diſtant and poor places, where the court did not uſually reſide, and where a regular plan for ſupplying it could not be eaſily eſtabliſhed. Not only the king,

[q] They aſſert, in the 15th of this reign, that there had been ſuch inſtances. Cotton's Abridg. p. 31. They repeat the ſame in the 21ſt year. See p. 59.
[r] 36 Edward III. &c.
[s] 14 Edward III. cap. 19.
[t] 36 Edward III. cap. 2.

CHAP. XVI. 1377. but several great lords, insisted upon this right of purveyance [u].

THE magnificent castle of Windsor was built by Edward III. and his method of conducting the work may serve as a specimen of the condition of the people in that age. Instead of engaging workmen by contracts and wages, he assessed every county in England to send him a certain number of masons, tilers, and carpenters, as if he had been levying an army [w].

THEY mistake, indeed, very much the genius of this reign, who imagine that it was not extremely arbitrary. All the high prerogatives of the crown were to the full exerted in it; but what gave some consolation, and promised in time some relief to the people, they were always complained of by the commons: Such as the dispensing power [x]; the extension of the forests [y]; erecting monopolies [z]; exacting loans [a]; stopping justice by particular warrants [b]; the renewal of the commission of *trailbaton* [c]; pressing men and ships into the public service [d]; levying arbitrary and exorbitant fines [e]; extending the authority of the privy council or star-chamber to the decision of private causes [f]; enlarging the power of the mareschal's and other arbitrary courts [g]; imprisoning members for freedom of speech in parliament [h]; obliging people, without any rule, to send recruits of men at arms, archers, and hoblers, to the army [i].

BUT there was no act of arbitrary power more frequently repeated in this reign, than that of imposing taxes without consent of parliament. Though that assembly granted the king greater supplies than had ever been obtained by any of his predecessors,

[u] 7 Rich. II. cap. 8. [w] Ashmole's Hist. of the Garter, p. 129. [x] Cotton's Abridg. p. 148. [y] Cotton, p. 71. [z] Cotton's Abridg. p. 56. 61. 122. [a] Rymer, vol. v. p. 491. 574. Cotton's Abridg. p. 56. [b] Cotton, p. 114. [c] Ibid. p. 67. [d] Cotton's Abridg. p. 47. 79. 113. [e] Ibid. p. 32. [f] Ibid. p. 74. [g] Ibid. [h] Walsing. p. 189, 190. [i] Tyrrel's Hist. vol. viii. p. 554. from the Records.

his great undertakings, and the neceſſity of his affairs, obliged him to levy ſtill more; and after his ſplendid ſucceſs againſt France had added weight to his authority, theſe arbitrary impoſitions became almoſt annual and perpetual. Cotton's Abridgment of the Records affords numerous inſtances of this kind in the firſt [i] year of his reign, in the thirteenth year [k], in the fourteenth [l], in the twentieth [m], in the twenty-firſt [n], in the twenty-ſecond [o], in the twenty-fifth [p], in the thirty-eighth [q], in the fiftieth [r], and in the fifty-firſt [s].

THE king openly avowed and maintained this power of levying taxes at pleaſure. At one time he replied to the remonſtrance made by the commons againſt it, that the impoſitions had been exacted from great neceſſity, and had been aſſented to by the prelates, earls, barons, and *ſome* of the commons [t]; at another, that he would adviſe with his council [u]. When the parliament deſired that a law might be enacted for the puniſhment of ſuch as levied theſe arbitrary impoſitions, he refuſed compliance [w]. In the ſubſequent year they deſired that the king might renounce this pretended prerogative; but his anſwer was, that he would levy no taxes without neceſſity, for the defence of the realm, and where he reaſonably might uſe that authority [x]. This incident paſſed a few days before his death; and theſe were, in a manner, his laſt words to his people. It would ſeem that the famous charter or ſtatute of Edward I. *de tallagio non concedendo*, though never repealed, was ſuppoſed to have already loſt, by age, all its authority.

THESE facts can only ſhow the *practice* of the times: For as to the *right*, the continual remonſtrances of the commons may ſeem to prove that it

[i] Rymer, vol. iv. p. 363. [k] P. 17, 18. [l] Rymer, vol. iv. p. 39. [m] P. 47. [n] P. 52, 53. 57, 58. [o] P. 69. [p] P. 76. [q] P. 101. [r] P. 138. [s] P. 152.

[t] Cotton, p. 53. He repeats the ſame anſwer in p. 60. *Some of the commons* were ſuch as he ſhould be pleaſed to conſult with.

[u] Cotton, p. 57. [w] Ibid. p. 138. [x] Ibid. p. 132.

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rather lay on their side: At least, these remonstrances served to prevent the arbitrary practices of the court from becoming an established part of the constitution. In so much a better condition were the privileges of the people, even during the arbitrary reign of Edward III. than during some subsequent ones, particularly those of the Tudors, where no tyranny or abuse of power ever met with any check or opposition, or so much as a remonstrance, from parliament.

In this reign we find, according to the sentiments of an ingenious and learned author, the first strongly marked, and probably contested, distinction between a proclamation by the king and his privy-council, and a law which had received the assent of the lords and commons [y].

It is easy to imagine that a prince of so much sense and spirit as Edward, would be no slave to the court of Rome. Though the old tribute was paid during some years of his minority [z], he afterwards withheld it; and when the pope, in 1367, threatened to cite him to the court of Rome for default of payment, he laid the matter before his parliament. That assembly unanimously declared, that king John could not, without a national consent, subject his kingdom to a foreign power: And that they were therefore determined to support their sovereign against this unjust pretension [a].

During this reign, the statute of provisors was enacted, rendering it penal to procure any presentations to benefices from the court of Rome, and securing the rights of all patrons and electors, which had been extremely encroached on by the pope [b]. By a subsequent statute, every person was outlawed who carried any cause by appeal to the court of Rome [c].

[y] Observations on the Statutes, p. 193. [z] Rymer, vol. iv. p. 434. [a] Cotton's Abridg. p. 110. [b] 25 Edw. III. 27 Edw. III. [c] 27 Edw. III. 38 Edw. III.

THE

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THE laity, at this time, ſeem to have been extremely prejudiced againſt the papal power, and even ſomewhat againſt their own clergy, becauſe of their connexions with the Roman pontiff. The parliament pretended that the uſurpations of the pope were the cauſe of all the plagues, injuries, famine, and poverty of the realm; were more deſtructive to it than all the wars; and were the reaſon why it contained not a third of the inhabitants and commodities which it formerly poſſeſſed: That the taxes levied by him exceeded five times thoſe which were paid to the king: That every thing was venal in that ſinful city of Rome; and that even the patrons in England had thence learned to practiſe ſimony without ſhame or remorſe[d]. At another time they petition the king to employ no churchman in any office of ſtate[e]; and they even ſpeak in plain terms of expelling by force the papal authority, and thereby providing a remedy againſt oppreſſions, which they neither could nor would any longer endure[f]. Men who talked in this ſtrain were not far from the reformation: But Edward did not think proper to ſecond all this zeal: Though he paſſed the ſtatute of proviſors, he took little care of its execution; and the parliament made frequent complaints of his negligence on this head[g]. He was content with having reduced ſuch of the Romiſh eccleſiaſtics as poſſeſſed revenues in England, to depend entirely upon him by means of that ſtatute.

As to the police of the kingdom during this period, it was certainly better than during times of faction, civil war, and diſorder, to which England was ſo often expoſed: Yet were there ſeveral vices in the conſtitution, the bad conſequences of which, all the power and vigilance of the king could not prevent. The barons, by their confederacies with thoſe of their own order, and by ſupporting and defending

d Cotton, p. 74. 128, 129.
e Ibid. p. 112.
f Cotton, p. 41.
g Ibid. p. 119. 128, 129, 130. 148.

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their retainers in every iniquity [h], were the chief abettors of robbers, murderers, and ruffians of all kinds; and no law could be executed against those criminals. The nobility were brought to give their promise in parliament, that they would not avow, retain, or support, any felon or breaker of the law [i]; yet this engagement, which we may wonder to see exacted from men of their rank, was never regarded by them. The commons make continual complaints of the multitude of robberies, murders, rapes, and other disorders, which, they say, were become numberless in every part of the kingdom, and which they always ascribe to the protection that the criminals receive from the great [k]. The king of Cyprus, who paid a visit to England in this reign, was robbed and stripped on the highway, with his whole retinue [l]. Edward himself contributed to this dissolution of law, by his facility in granting pardons to felons from the solicitation of the courtiers. Laws were made to retrench this prerogative [m], and remonstrances of the commons were presented against the abuse of it [n]: But to no purpose. The gratifying of a powerful nobleman continued still to be of more importance than the protection of the people. The king also granted many franchises, which interrupted the course of justice and the execution of the laws [o].

Commerce and industry were certainly at a very low ebb during this period. The bad police of the country alone affords a sufficient reason. The only exports were wool, skins, hides, leather, butter, tin, lead, and such unmanufactured goods, of which wool was by far the most considerable. Knyghton has asserted, that 100,000 sacks of wool were annually exported, and sold at twenty pounds a sack, money of that age. But he is widely mistaken, both

h 11 Edw. III. cap. 14. 4 Edw. III. cap. 2. 15 Edw. III. cap. 4.
i Cotton, p. 10. k Ibid. p. 51. 62. 64. 70. 160.
l Walsing. p. 170. m 10 Edw. III. cap. 2. 27 Edw. III. cap. 2. n Cotton, p. 75. o Ibid. p. 54.

in the quantity exported and in the value. In 1349, the parliament remonſtrate that the king, by an illegal impoſition of forty ſhillings on each ſack exported, had levied 60,000 pounds a year [p]: Which reduces the annual exports to 30,000 ſacks. A ſack contained twenty-ſix ſtone, and each ſtone fourteen pounds [q]; and at a medium was not valued at above five pounds a ſack [r], that is, fourteen or fifteen pounds of our preſent money. Knyghton's computation raiſes it to ſixty pounds, which is near four times the preſent price of wool in England. According to this reduced computation, the export of wool brought into the kingdom about 450,000 pounds of our preſent money, inſtead of ſix millions, which is an extravagant ſum. Even the former ſum is ſo high as to afford a ſuſpicion of ſome miſtake in the computation of the parliament with regard to the number of ſacks exported. Such miſtakes were very uſual in thoſe ages.

Edward endeavoured to introduce and promote the woollen manufacture, by giving protection and encouragement to foreign weavers [s], and by enacting a law, which prohibited every one from wearing any cloth but of Engliſh fabric [t]. The parliament prohibited the exportation of woollen goods, which was not ſo well judged, eſpecially while the exportation of unwrought wool was ſo much allowed and encouraged. A like judicious law was made againſt the exportation of manufactured iron [u].

It appears from a record in the Exchequer, that in 1354 the exports of England amounted to 294,184 pounds ſeventeen ſhillings and twopence: The imports to 38,970 pounds three ſhillings and ſixpence, money of that time. This is a great balance, conſidering that it aroſe wholly from the exportation of raw wool and other rough

[p] Cotton, p. 48. 69. [q] 34 Edw. III. cap. 5. [r] Cotton, p. 29. [s] 11 Edw. III. cap. 5. Rymer, vol. iv. p. 723. Murimuth, p. 88. [t] 11 Edw. III. cap. 2. [u] 28 Ed. III. cap. 5.

materials,

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materials. The import was chiefly linen and fine cloth, and some wine. England seems to have been extremely drained at this time by Edward's foreign expeditions and foreign subsidies, which probably was the reason why the exports so much exceed the imports.

THE first toll we read of in England for mending the highways, was imposed in this reign: It was that for repairing the road between St. Giles's and Temple-bar [w].

IN the first of Richard II. the parliament complain extremely of the decay of shipping during the preceding reign, and assert, that one sea-port formerly contained more vessels than were then to be found in the whole kingdom. This calamity they ascribe to the arbitrary seizure of ships by Edward for the service of his frequent expeditions [x]. The parliament in the fifth of Richard renew the same complaint [y]; and we likewise find it made in the forty-sixth of Edward III. So false is the common opinion, that this reign was favourable to commerce.

THERE is an order of this king directed to the mayor and sheriffs of London, to take up all ships of forty ton and upwards, to be converted into ships of war [z].

THE parliament attempted the impracticable scheme of reducing the price of labour after the pestilence, and also that of poultry [a]. A reaper, in the first week of August, was not allowed above two-pence a day, or near six-pence of our present money; in the second week, a third more. A master carpenter was limited through the whole year to three-pence a day, a common carpenter to two-pence, money of that age [b]. It is remarkable, that in the same reign, the pay of a common soldier, an archer, was six-pence a day; which, by the change both in denomination and value, would be

[w] Rymer, vol. v. p. 520. [x] Cotton, p. 155. 164.
[y] Cap. 3. [z] Rymer, vol. iv. p. 664.
[a] 37 Edw. III. cap. 3. [b] 25 Edw. III. cap. 1. 3.

equivalent

1377.

equivalent to near five ſhillings of our preſent money[c]. Soldiers were then inliſted only for a very ſhort time: They lived idle all the reſt of the year, and commonly all the reſt of their lives: One ſucceſsful campaign, by pay and plunder, and the ranſom of priſoners, was ſuppoſed to be a ſmall fortune to a man; which was a great allurement to enter into the ſervice[d].

THE ſtaple of wool, wool-fells, leather, and lead, was fixed by act of parliament in particular towns of England[e]. Afterwards it was removed by law to Calais: But Edward, who commonly deemed his prerogative above law, paid little regard to theſe ſtatutes; and when the parliament remonſtrated with him on account of thoſe acts of power, he plainly told them, that he would proceed in that matter as he thought proper[f]. It is not eaſy to aſſign the reaſon of this great anxiety for fixing a ſtaple; unleſs perhaps it invited foreigners to a market, when they knew beforehand that they ſhould there meet with great choice of any particular ſpecies of commodity. This policy of inviting foreigners to Calais was carried ſo far, that all Engliſh merchants were prohibited by law from exporting any Engliſh goods from the ſtaple; which was in a manner the total abandoning of all foreign navigation, except that to Calais[g]: A contrivance ſeemingly extraordinary.

[c] Dugdale's Baronage, vol. i. p. 784. Brady's Hiſt. vol. ii. App. Nº 92. The pay of a man at arms was quadruple. We may therefore conclude that the numerous armies, mentioned by hiſtorians in thoſe times, conſiſted chiefly of ragamuffins, who followed the camp, and lived by plunder. Edward's army before Calais conſiſted of 31,094 men; yet its pay for ſixteen months was only 127,201 pounds. Brady, ibid.

[d] Commodities ſeem to have riſen ſince the Conqueſt. Inſtead of being ten times cheaper than at preſent, they were, in the age of Edward III. only three or four times. This change ſeems to have taken place in a great meaſure ſince Edward I. The allowance granted by Edward III. to the earl of Murray, then a priſoner in Nottingham caſtle, is one pound a week; whereas the biſhop of St. Andrews, the primate of Scotland, had only ſixpence a day allowed him by Edward I.

[e] 27 Edw. III. [f] Cotton, p. 117. [g] 27 Edw. III. cap. 7.

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It was not till the middle of this century that the English began to extend their navigation even to the Baltic[h]; nor till the middle of the subsequent, that they sailed to the Mediterranean[i].

Luxury was complained of in that age, as well as in others of more refinement; and attempts were made by parliament to restrain it, particularly on the head of apparel, where surely it is the most obviously innocent and inoffensive. No man under a hundred a year was allowed to wear gold, silver, or silk in his clothes: Servants also were prohibited from eating flesh meat or fish above once a day[k]. By another law it was ordained, that no one should be allowed either for dinner or supper, above three dishes in each course, and not above two courses: And it is likewise expressly declared, that *soused* meat is to count as one of these dishes[l]. It was easy to foresee that such ridiculous laws must prove ineffectual, and could never be executed.

The use of the French language in pleadings and public deeds was abolished[m]. It may appear strange that the nation should so long have worn this badge of conquest: But the king and nobility seem never to have become thoroughly English, or to have forgotten their French extraction, till Edward's wars with France gave them an antipathy to that nation. Yet still it was long before the use of the English tongue came into fashion. The first English paper which we meet with in Rymer is in the year 1386, during the reign of Richard II[n]. There are Spanish papers in that collection of more ancient date[o]: And the use of the Latin and French still continued.

h Anderson, vol. i. p. 151. i Id. p. 177. k 37 Edw. III. cap. 8, 9, 10, &c. l 10 Edw. III. m 36 Edw. III. cap. 15.

n Rymer, vol. vii. p. 526. This paper, by the style, seems to have been drawn by the Scots, and was signed by the wardens of the marches only.

o Rymer, vol. vi. p. 554.

We may judge of the ignorance of this age in geography, from a ſtory told by Robert of Aveſbury. Pope Clement VI. having, in 1344, created Lewis of Spain prince of *the fortunate iſlands*, meaning the Canaries, then newly diſcovered; the Engliſh ambaſſador at Rome, and his retinue, were ſeized with an alarm that Lewis had been created king of England; and they immediately hurried home, in order to convey this important intelligence. Yet ſuch was the ardour for ſtudy at this time, that Speed, in his Chronicle, informs us there were then 30,000 ſtudents in the univerſity of Oxford alone. What was the occupation of all theſe young men? To learn very bad Latin, and ſtill worſe logic.

In 1364 the commons petitioned, that in conſideration of the preceding peſtilence, ſuch perſons as poſſeſſed manors holding of the king in chief, and had let different leaſes without obtaining licences, might continue to exercise the ſame power, till the country were become more populous [p]. The commons were ſenſible that this ſecurity of poſſeſſion was a good means for rendering the kingdom proſperous and flouriſhing; yet durſt not apply all at once for a greater relaxation of their chains.

There is not a reign among thoſe of the ancient Engliſh monarchs which deſerves more to be ſtudied than that of Edward III. nor one where the domeſtic tranſactions will better diſcover the true genius of that kind of mixed government which was then eſtabliſhed in England. The ſtruggles with regard to the validity and authority of the great charter were now over: The king was acknowledged to lie under ſome limitations: Edward himſelf was a prince of great capacity, not governed by favourites, not led aſtray by any unruly paſſion, ſenſible that nothing could be more eſſential to his intereſts than to keep on good terms with his people: Yet, on the whole,

[p] Cotton, p. 97.

CHAP. XVI. 1377. it appears that the government at beſt was only a barbarous monarchy, not regulated by any fixed maxims, or bounded by any certain undiſputed rights, which in practice were regularly obſerved. The king conducted himſelf by one ſet of principles; the barons by another; the commons by a third; the clergy by a fourth. All theſe ſyſtems of government were oppoſite and incompatible: Each of them prevailed in its turn, as incidents were favourable to it: A great prince rendered the monarchical power predominant: The weakneſs of a king gave reins to the ariſtocracy: A ſuperſtitious age ſaw the clergy triumphant: The people, for whom chiefly government was inſtituted, and who chiefly deſerve conſideration, were the weakeſt of the whole. But the commons, little obnoxious to any other order, though they ſunk under the violence of tempeſts, ſilently reared their head in more peaceable times; and while the ſtorm was brewing, were courted by all ſides, and thus received ſtill ſome acceſſion to their privileges, or at worſt ſome confirmation of them.

It has been an eſtabliſhed opinion, that gold coin was not ſtruck till this reign: But there has lately been found proof that it is as ancient as Henry III[q].

[q] See Obſervations on the more ancient Statutes, p. 375. 2d edit.

NOTES

TO THE

SECOND VOLUME.

NOTE [A], p. 36.

MADOX, in his Baronia Anglica, cap. 14. tells us, that in the 30th of Henry II. thirty-three cows and two bulls cost but eight pounds seven shillings, money of that age; 500 sheep, twenty-two pounds ten shillings, or about ten pence three farthings per sheep; sixty-six oxen, eighteen pounds three shillings; fifteen breeding mares, two pounds twelve shillings and six-pence; and twenty-two hogs, one pound two shillings. Commodities seem then to have been about ten times cheaper than at present; all except the sheep, probably on account of the value of the fleece. The same author, in his Formulare Anglicanum, p. 17. says, That in the 10th year of Richard I. mention is made of ten per cent. paid for money: But the Jews frequently exacted much higher interest.

NOTE [B], p. 253.

RYMER, vol. ii. p. 216. 845. There cannot be the least question, that the homage usually paid by the kings of Scotland was not for their crown, but for some other territory. The only question remains, what that ter-

 ritory

ritory was? It was not always for the earldom of Huntingdon, nor the honour of Penryth; because we find it sometimes done at a time when these possessions were not in the hands of the kings of Scotland. It is probable that the homage was performed in general terms, without any particular specification of territory; and this inaccuracy had proceeded either from some dispute between the two kings about the territory and some opposite claims, which were compromised by the general homage, or from the simplicity of the age, which employed few words in every transaction. To prove this we need but look into the letter of king Richard, where he resigns the homage of Scotland, reserving the usual homage. His words are, *Sæpedictus W. Rex ligius homo noster deveniat de omnibus terris de quibus antecessores sui antecessorum nostrorum ligii homines fuerunt, et nobis atque hæredibus nostris fidelitatem jurarunt.* Rymer, vol. i. p. 65. These general terms were probably copied from the usual form of the homage itself.

It is no proof that the kings of Scotland possessed no lands or baronies in England, because we cannot find them in the imperfect histories and records of that age. For instance, it clearly appears, from another passage of this very letter of Richard, that the Scottish king held lands both in the county of Huntingdon and elsewhere in England; though the earldom of Huntingdon itself was then in the person of his brother David; and we know at present of no other baronies which William held. It cannot be expected that we should now be able to specify all his fees which he either possessed or claimed in England, when it is probable that the two monarchs themselves, and their ministers, would at that very time have differed in the list: The Scottish king might possess some to which his right was disputed; he might claim others which he did not possess: And neither of the two kings was willing to resign his pretensions by a particular enumeration.

A late author of great industry and learning, but full of prejudices, and of no penetration, Mr. Carte, has taken advantage of the undefined terms of the Scotch homage, and has pretended that it was done for Lothian and Galloway; that is, all the territories of the country now called Scotland, lying south of the Clyde and Forth. But to refute this pretension at once, we need only consider, that if these territories were held in fee of the English kings, there would,

would, by the nature of the feudal law as eſtabliſhed in England, have been continual appeals from them to the courts of the lord paramount; contrary to all the hiſtories and records of that age. We find, that as ſoon as Edward really eſtabliſhed his ſuperiority, appeals immediately commenced from all parts of Scotland: And that king, in his writ to the king's bench, conſiders them as a neceſſary conſequence of the feudal tenure. Such large territories alſo would have ſupplied a conſiderable part of the Engliſh armies, which never could have eſcaped all the hiſtorians. Not to mention that there is not any inſtance of a Scotch priſoner of war being tried as a rebel, in the frequent hoſtilities between the kingdoms, where the Scottiſh armies were chiefly filled from the ſouthern counties.

Mr. Carte's notion with regard to Galloway, which comprehends, in the language of that age, or rather in that of the preceding, moſt of the ſouth-weſt counties of Scotland; his notion, I ſay, reſts on ſo ſlight a foundation, that it ſcarcely merits being refuted. He will have it (and merely becauſe he will have it) that the Cumberland, yielded by king Edmund to Malcolm I. meant not only the county in England of that name, but all the territory northwards to the Clyde. But the caſe of Lothian deſerves ſome more conſideration.

It is certain, that in very ancient language, Scotland means only the country north of the friths of Clyde and Forth. I ſhall not make a parade of literature to prove it; becauſe I do not find that this point is diſputed by the Scots themſelves. The ſouthern country was divided into Galloway and Lothian; and the latter comprehended all the ſouth-eaſt counties. This territory was certainly a part of the ancient kingdom of Northumberland, and was entirely peopled by Saxons, who afterwards received a great mixture of Danes among them. It appears from all the Engliſh hiſtories, that the whole kingdom of Northumberland paid very little obedience to the Anglo-Saxon monarchs, who governed after the diſſolution of the heptarchy; and the northern and remote parts of it ſeem to have fallen into a kind of anarchy, ſometimes pillaged by the Danes, ſometimes joining them in their ravages upon other parts of England. The kings of Scotland, lying nearer them, took at laſt poſſeſſion of the country, which had ſcarcely any government; and we are told by Matthew of Weſt-

minster, p. 193. that king Edgar made a grant of the territory to Kenneth III. that is, he resigned claims which he could not make effectual, without bestowing on them more trouble and expence than they were worth: For these are the only grants of provinces made by kings; and so ambitious and active a prince as Edgar would never have made presents of any other kind. Though Matthew of Westminster's authority may appear small with regard to so remote a transaction; yet we may admit it in this case, because Ordericus Vitalis, a good authority, tells us, p. 701. that Malcolm acknowledged to William Rufus, that the Conqueror had confirmed to him the former grant of Lothian. But it follows not, because Edgar made this species of grant to Kenneth, that therefore he exacted homage for that territory. Homage, and all the rites of the feudal law, were very little known among the Saxons; and we may also suppose that the claim of Edgar was so antiquated and weak, that in resigning it he made no very valuable concession; and Kenneth might well refuse to hold, by so precarious a tenure, a territory which he at present held by the sword. In short, no author says he did homage for it.

The only colour, indeed, of authority for Mr. Carte's notion is, that Matthew Paris, who wrote in the reign of Henry III. before Edward's claim of superiority was heard of, says that Alexander III. did homage to Henry III. *pro Laudiano et aliis terris*. See page 555. This word seems naturally to be interpreted Lothian. But, in the first place, Matthew Paris's testimony, though considerable, will not outweigh that of all the other historians, who say that the Scotch homage was always done for lands in England. Secondly, if the Scotch homage was done in general terms (as has been already proved), it is no wonder that historians should differ in their account of the object of it, since it is probable the parties themselves were not fully agreed. Thirdly, there is reason to think that *Laudianum*, in Matthew Paris, does not mean the Lothians now in Scotland. There appears to have been a territory which anciently bore that or a similar name in the north of England. For (1) The Saxon Chronicle, p. 197. says, that Malcolm Kenmure met William Rufus in Lodene in England. (2) It is agreed by all historians, that Henry II. only reconquered from Scotland the northern counties of Northum-

Northumberland, Cumberland, and Weſtmoreland. See Newbriggs, p. 383. Wykes, p 30. Hemingford, p. 492. Yet the ſame country is called by other hiſtorians Loidis, comitatus Lodonenſis, or ſome ſuch name. See M. Paris, p. 68. M. Weſt. p. 247. Annal. Waverl. p. 159. and Diceto, p. 531. (3) This laſt mentioned author, when he ſpeaks of Lothian in Scotland, calls it Loheneis, p. 574. though he had called the Engliſh territory Loidis.

I thought this long note neceſſary, in order to correct Mr. Carte's miſtake, an author whoſe diligence and induſtry has given light to many paſſages of the more ancient Engliſh hiſtory.

NOTE [C], p. 254.

RYMER, vol. ii. p. 543. It is remarkable that the Engliſh chancellor ſpoke to the Scotch parliament in the French tongue. This was alſo the language commonly made uſe of by all parties on that occaſion. Ibid. paſſim. Some of the moſt conſiderable among the Scotch, as well as almoſt all the Engliſh barons, were of French origin; they valued themſelves upon it; and pretended to deſpiſe the language and manners of the Iſland. It is difficult to account for the ſettlement of ſo many French families in Scotland, the Bruces, Baliols, St. Clairs, Montgomeries, Somervilles, Gordons, Frazers, Cummins, Colvilles, Umfrevilles, Mowbrays, Hays, Maules, who were not ſupported there, as in England, by the power of the ſword. But the ſuperiority of the ſmalleſt civility and knowledge over total ignorance and barbariſm is prodigious.

NOTE [D], p. 259.

SEE Rymer, vol. ii. p. 533. where Edward writes to the king's bench to receive appeals from Scotland. He knew the practice to be new and unuſual; yet he eſtabliſhes it as an infallible conſequence of his ſuperiority. We learn alſo from the ſame collection, p. 603. that immediately upon receiving the homage, he changed the ſtyle of his addreſs to the Scotch king, whom he

 now

now calls *dilecto & fideli*, instead of *fratri dilecto & fideli*, the appellation which he had always before used to him; see p. 109. 124. 168. 280. 1064. This is a certain proof that he himself was not deceived, as was scarcely indeed possible, but that he was conscious of his usurpation. Yet he solemnly swore afterwards to the justice of his pretensions, when he defended them before pope Boniface.

NOTE [E], p. 276.

THROUGHOUT the reign of Edw. I. the assent of the commons is not once expressed in any of the enacting clauses; nor in the reigns ensuing, till the 9 Edw. III. nor in any of the enacting clauses of 16 Rich. II. nay even so low as Hen. VI. from the beginning till the 8th of his reign, the assent of the commons is not once expressed in any enacting clause. See preface to Ruffhead's edit. of the Statutes, p. 7. If it should be asserted, that the commons had really given their assent to these statutes, though they are not expressly mentioned, this very omission, proceeding if you will from carelessness, is a proof how little they were respected. The commons were so little accustomed to transact public business, that they had no speaker till after the parliament 6th Edw. III. See Prynne's preface to Cotton's Abridg.: Not till the first of Richard II. in the opinion of most antiquaries. The commons were very unwilling to meddle in any state affairs, and commonly either referred themselves to the lords, or desired a select committee of that house to assist them, as appears from Cotton. 5 E. III. n. 5.; 15 E. III. n. 17; 21 E. III. n. 5; 47 E. III. n. 5; 50 E. III. n. 10; 51 E. III. n. 18; 1 R. II. n. 12; 2 R. II. n. 12. 5 R. II. n. 14; 2 parl. 6 R. II. n. 14; parl. 2. 6 R. II. n. 8, &c.

NOTE [F], p. 277.

IT was very agreeable to the maxims of all the feudal governments, that every order of the state should give their consent to the acts which more immediately con-

cerned them; and as the notion of a political ſyſtem was not then ſo well underſtood, the other orders of the ſtate were often not conſulted on theſe occaſions. In this reign even the merchants, though no public body, granted the king impoſitions on merchandiſe, becauſe the firſt payments came out of their pockets. They did the ſame in the reign of Edward III. but the commons had then obſerved that the people paid theſe duties, though the merchants advanced them; and they therefore remonſtrated againſt this practice. Cotton's Abridg. p. 39. The taxes impoſed by the knights on the counties were always lighter than thoſe which the burgeſſes laid on the boroughs; a preſumption that in voting thoſe taxes the knights and burgeſſes did not form the ſame houſe. See Chancellor Weſt's enquiry into the manner of creating peers, p. 8. But there are ſo many proofs that thoſe two orders of repreſentatives were long ſeparate, that it is needleſs to inſiſt on them. Mr. Carte, who had carefully conſulted the rolls of parliament, affirms that they never appear to have been united till the 16th of Edward III. See Hiſt. vol. ii. p. 451. But it is certain that this union was not even then final: In 1372, the burgeſſes acted by themſelves, and voted a tax after the knights were diſmiſſed. See Tyrrel, Hiſt. vol. iii. p. 734. from Rot. Clauſ. 46 Edw. III. n. 9. In 1376 they were the knights alone who paſſed a vote for the removal of Alice Pierce from the king's perſon, if we may credit Walſingham, p. 189. There is an inſtance of a like kind in the reign of Richard II. Cotton, p. 193. The different taxes voted by thoſe two branches of the lower houſe naturally kept them ſeparate: But as their petitions had moſtly the ſame object, namely, the redreſs of grievances, and the ſupport of law and juſtice, both againſt the crown and the barons, this cauſe as naturally united them, and was the reaſon why they at laſt joined in one houſe for the diſpatch of buſineſs. The barons had few petitions. Their privileges were of more ancient date: Grievances ſeldom affected them: They were themſelves the chief oppreſſors. In 1333, the knights by themſelves concurred with the biſhops and barons in adviſing the king to ſtay his journey into Ireland. Here was a petition which regarded a matter of ſtate, and was ſuppoſed to be above the capacity

pacity of the burgeſſes. The Knights, therefore, acted apart in this petition. See Cotton's Abridg. p. 13. Chief baron Gilbert thinks, that the reaſon why taxes always began with the commons or burgeſſes was, that they were limited by the inſtructions of their boroughs. See Hiſt. of the Exchequer, p. 37.

NOTE [G], p. 278.

THE chief argument from ancient authority, for the opinion that the repreſentatives of boroughs preceded the forty-ninth of Henry III. is the famous petition of the borough of St. Albans, firſt taken notice of by Selden, and then by Petyt, Brady, Tyrrel, and others. In this petition, preſented to the parliament in the reign of Edward II. the town of St. Albans aſſerts, that though they held *in capite* of the crown, and owed only for all other ſervice, their attendance in parliament, yet the ſheriff had omitted them in his writs; whereas both in the reign of the king's father, and all his predeceſſors, they had always ſent members. Now, ſay the defenders of this opinion, if the commencement of the houſe of commons were in Henry III.'s reign, this expreſſion could not have been uſed. But Madox, in his Hiſtory of the Exchequer, p. 522, 523, 524. has endeavoured, and with great reaſon, to deſtroy the authority of this petition for the purpoſe alleged. He aſſerts, firſt, That there was no ſuch tenure in England as that of holding by attendance in parliament, inſtead of all other ſervice. Secondly, That the borough of St. Albans never held of the crown at all, but was always demeſne land of the abbot. It is no wonder, therefore, that a petition which advances two falſehoods, ſhould contain one hiſtorical miſtake, which indeed amounts only to an inaccurate and exaggerated expreſſion; no ſtrange matter in ignorant burgeſſes of that age. Accordingly St. Albans continued ſtill to belong to the abbot. It never held of the crown till after the diſſolution of the monaſteries. But the aſſurance of theſe petitioners is remarkable. They wanted to ſhake off the authority of their abbot, and to hold of the king; but were unwilling to pay any ſervices even to the crown: Upon which they framed this idle petition,

petition, which later writers have made the foundation of so many inferences and conclusions. From the tenour of the petition it appears, that there was a close connection between holding of the crown, and being represented in parliament: The latter had scarcely ever place without the former: Yet we learn from Tyrrel's Append. vol. iv. that there were some instances to the contrary. It is not improbable that Edward followed the roll of the earl of Leicester, who had summoned, without distinction, all the considerable boroughs of the kingdom; among which there might be some few that did not hold of the crown. Edward also found it necessary to impose taxes on all the boroughs in the kingdom without distinction. This was a good expedient for augmenting his revenue. We are not to imagine, because the house of commons have since become of great importance, that the first summoning of them would form any remarkable and striking epoch, and be generally known to the people even seventy or eighty years after. So ignorant were the generality of men in that age, that country burgesses would readily imagine an innovation, seemingly so little material, to have existed from time immemorial, because it was beyond their own memory, and perhaps that of their fathers. Even the parliament in the reign of Henry V. say, that Ireland had, from the beginning of time, been subject to the crown of England. (See Brady.) And surely, if any thing interests the people above all others, it is war and conquests, with their dates and circumstances.

NOTE [H], p. 443.

THIS story of the six burgesses of Calais, like all other extraordinary stories, is somewhat to be suspected; and so much the more, as Avesbury, p. 167. who is particular in his narration of the surrender of Calais, says nothing of it; and, on the contrary, extols in general the king's generosity and lenity to the inhabitants. The numberless mistakes of Froissard, proceeding either from negligence, credulity, or love of the marvellous, invalidate very much his testimony, even though he was a contemporary, and though his history was dedicated to queen Philippa herself. It is a mistake to imagine, that the patrons

trons of dedications read the books, much lefs vouch for all the contents of them. It is not a flight teftimony that fhould make us give credit to a ftory fo difhonourable to Edward, efpecially after that proof of his humanity, in allowing a free paffage to all the women, children, and infirm people, at the beginning of the fiege; at leaft, it is fcarcely to be believed, that if the ftory has any foundation, he ferioufly meant to execute his menaces againft the fix townfmen of Calais.

NOTE [I], p. 448.

THERE was a fingular inftance about this time of the prevalence of chivalry and gallantry in the nations of Europe. A folemn duel of thirty knights againft thirty was fought between Bembrough, an Englifhman, and Beaumanoir, a Breton, of the party of Charles of Blois. The knights of the two nations came into the field; and before the combat began, Beaumanoir called out, that it would be feen that day *who had the faireft miftreffes*. After a bloody combat the Bretons prevailed; and gained for their prize full liberty to boaft of their miftreffes beauty. It is remarkable, that two fuch famous generals as Sir Robert Knolles and Sir Hugh Calverly drew their fwords in this ridiculous conteft. See Pere Daniel, vol. ii. p. 536, 537, &c. The women not only inftigated the champions to thofe rough if not bloody frays of tournament; but alfo frequented the tournaments during all the reign of Edward, whofe fpirit of gallantry encouraged this practice. See Knyghton, p. 2597.

NOTE [K], p. 469.

THIS is a prodigious fum, and probably near the half of what the king received from the parliament during the whole courfe of his reign. It muft be remarked, that a tenth and fifteenth (which was always thought a high grant) were, in the eighth year of his reign, fixed at about 29,000 pounds: There were faid to be near 30,000 facks of wool exported every year: A fack of wool was, at a medium, fold for five pounds. Upon thefe fuppofitions it would be eafy

to

to compute all the parliamentary grants, taking the liſt as they ſtand in Tyrrel, vol. iii. p. 780: Though ſomewhat muſt ſtill be left to conjecture. The king levied more money on his ſubjects than any of his predeceſſors; and the parliament frequently complain of the poverty of the people, and the oppreſſions under which they laboured. But it is to be remarked, that a third of the French king's ranſom was yet unpaid when war broke out anew between the two crowns: His ſon choſe rather to employ his money in combating the Engliſh, than in enriching them. See Rymer, vol. viii. p. 315.

END OF THE SECOND VOLUME.